

ORDINANCE NO. 498

ZONING ORDINANCE, FAIRFIELD COUNTY

Enacted June 13, 2005

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ZONING ORDINANCE FAIRFIELD COUNTY, SOUTH CAROLINA

AN AMENDMENT TO THE ORDINANCE OF THE COUNTY OF FAIRFIELD, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING DEVELOPMENT STANDARDS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE OF THE CITIZENS OF FAIRFIELD COUNTY; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS ENVIRONMENT; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE ADOPTED COMPREHENSIVE PLAN FOR FAIRFIELD COUNTY, SOUTH CAROLINA, THE COUNTY COUNCIL HEREBY AMENDS ORDINANCE 335, KNOWN AS THE ZONING ORDINANCE OF FAIRFIELD COUNTY, SOUTH CAROLINA, IN ITS ENTIRETY BY ORDAINING AND ENACTING INTO LAW THE FOLLOWING ARTICLES AND SECTIONS AND SHALL BE APPLICABLE

THROUGHOUT THE UNINCORPORATED AREAS OF FAIRFIELD COUNTY,
AS NOW OR HEREAFTER ESTABLISHED.

ARTICLE I
ESTABLISHMENT OF ZONING DISTRICTS,
PURPOSE OF DISTRICTS, AND
RULES FOR THE
INTERPRETATION OF DISTRICT BOUNDARIES

Section 1-1. Establishment of Districts

The following districts are hereby established for use in the unincorporated areas of Fairfield County, based on the Comprehensive Plan.

PRIMARY ZONING DISTRICTS

Map Symbol

- R-1 Single-family Residential District**
- R-2 Inclusive Residential District**
- B-1 Limited Business District**
- B-2 General Business District**
- I-1 Industrial District**
- RD Rural Resource District**

SPECIAL PURPOSE DISTRICT

- APD Airport Protection District**
- PPD Planned Development District**

Within each primary district, the regulations set forth herein shall apply uniformly to each class or kind of structure or land except that where such districts overlap the Airport Protection District, or the 100-year flood boundaries, as established on Flood Insurance Rate Maps for Fairfield County, prepared by the Federal Emergency Management Agency, latest edition. In such instance the regulations shall be altered to accommodate the special needs of such areas as prescribed by this ordinance and in accord with the county's Flood Damage Prevention Ordinance, where applicable.

Section 1-2. Purpose of Districts

Collectively, these districts are intended to advance the purposes of this

Ordinance, as stated in the Preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

PRIMARY DISTRICTS

R-1, Single-family Residential District. The R-1 Residential District is intended to foster, preserve, and protect at low densities areas of the county in which the principal use of land is for detached, single-family dwellings, and limited residential support facilities at low densities.

R-2, Inclusive Residential District. The R-2 Inclusive Residential District is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings, in areas accessible by major streets and in proximity to commercial uses and employment opportunities.

B-1, Limited Business District. The B-1 District is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in this district are of the "convenience variety". The size of this district should relate to surrounding residential markets and the locations should be at or near major intersections, in proximity to residential areas and/or on the periphery of residential areas, moderating transition between residential and commercial uses.

B-2, General Business District. The B-2 District is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the traveling public, the community and the larger midlands region. Toward this end, a wide range of business and commercial uses are permitted herein.

I-1, Industrial District. The intent of the I-1 Industrial District is to accommodate wholesaling, distribution, storage, processing and manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility through the application of performance standards within and beyond the boundaries of this district.

Toward these ends, residential development is not permitted herein, nor is the establishment of this district on a street providing primary access to or traversing a residential district permitted.

RD, Rural Resource District. The value of agricultural lands, woodlands, wetlands

and other resources which characterize this district are important to clean water and air and to many natural cycles. These lands provide much of the character that makes Fairfield County an attractive place in which to live.

The intent of this district, therefore, is to protect these area resources from development which would needlessly alter their rural state and contribution to a balanced environment.

SPECIAL PURPOSE DISTRICT

APD, Airport Protection District. This is an “overlay” district designed to promote compatibility between aircraft operating in the vicinity of Fairfield County Airport and surrounding property, by:

- (1) protecting and promoting the general health, safety, economy and welfare of area residents;
- (2) protecting the dual interests of navigational safety and airport operations;
- (3) protecting property in the vicinity of the airport; and
- (4) promoting the improvement and the utility of the airport and the public investment therein.

PPD, Planned Development District. The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate; and to do so in aq manner that will enhance public health, safety, morals, and general welfare.

Section 1-3. Establishment of Official Zoning Map(s)

The boundaries of the zone districts established by this Ordinance are shown on the official zoning map(s) which shall be identified by the signature of the Chairman of County Council, attested by the Clerk of County Council, and maintained in the office of the Building Official. The official zoning map(s) and all amendments, certifications, citations and other matters entered onto the official zoning map(s) are hereby made a

part of this Ordinance and have the same legal effect as if fully set out herein.

No change of any nature shall be made on the official Zoning Map(s) or matters shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.

Section 1-4. Amendments to the Official Zoning Map(s)

Amendments to the official zoning map(s) shall be adopted by Ordinance as provided for by this Ordinance. Promptly after the adoption of an amendment the Building Official shall alter or cause to be altered the official zoning map to indicate the amendment and the effective date of the Ordinance amending the map.

Section 1-5. Rules for Interpretation of District Boundaries on the Official Zoning Map(s)

Where uncertainty exists as to the boundaries of districts shown on the official zoning map(s), the following rules shall apply.

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following political lines shall be construed as following such lines.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately following the center lines of natural barriers such as, rivers and streams, shall be construed to follow such center lines.

- (6) Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 5 above shall be so construed. If distances are not specifically indicated on the official zoning map, or in other circumstances not covered by Subsections 1 through 5 above, the boundaries shall be determined by the use of scale of such map.
- (7) Where uncertainties continue to exist after the application of the rules in this Section, appeal for clarification may be taken to the Board of Zoning Appeals with jurisdiction for such matters.

ARTICLE II

PRIMARY DISTRICT REGULATIONS

Section 2-1. Establishment of Tables

The uses permitted in the several primary districts established by Article I, the off-street parking requirements, and the dimensional requirements of each are set forth herein. These requirements are presented through the use of tables.

Table I sets forth use and off-street parking requirements for all Primary Districts. Table II sets forth lot area, yard, setback, height, density, floor area and impervious surface requirements for all Primary Districts.

Section 2-2. Use of Tables

The Standard Industrial Classification Manual, 1987, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by the tables, the SIC Manual should be consulted. In general, all uses listed by a given SIC code number and category shall be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the SIC Manual are identified by the symbol "NA" (Not Applicable) in the SIC column.

Where the symbol "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the symbol "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable conditions and requirements contained in Article IV, which requirements are referenced by Section number following each conditionally permitted use.

Where the symbol "S" is shown, the use to which it refers is allowed by permit issued by the Board of Zoning Appeals that authorizes the recipient to make use of

property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the Board.

Where no symbol is shown on the table, the use to which it refers is not permitted in the indicated district.

Where a given use or SIC code reference is not listed by the table, said use shall not be permitted.

To aid in the use of Table I, it is arranged by SIC Divisions, followed by SIC Code Numbers, and Use Category included in the respective division:

<u>Division</u>	<u>SIC Code Group</u>	
A	01 - 09	Agriculture, Forestry and Fishing
B	10 - 14	Mining
C	15 - 17	Construction
D	20 - 39	Manufacturing
E	40 - 49	Transportation, Communications, Electric, Gas and Sanitary Services
F	50 - 51	Wholesale Trade
G	52 - 59	Retail Trade
H	60 - 67	Finance, Insurance and Real Estate
I	70 - 89	Services
J	91 - 97	Public Administration
K	99	Residential (Nonclassifiable establishments)

Uses and SIC code references are displayed within the appropriate division in numerical order, beginning with Use Group 01 (Agricultural Production) and running through Use Group 99 (Non-classified Establishments).2

TABLE I

**SCHEDULE OF PERMITTED AND CONDITIONAL USES, AND
OFF-STREET PARKING REQUIREMENTS, BY DISTRICT**

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
DIVISION A, AGRICULTURE, FORESTRY, FISHING								
Agricultural Production	01				P	P	P	None
Crops	01				P	P	P	None
Livestock, Animal Specialties	02						P	None
Livestock, except feedlots	021/024						P	None
Feedlots (Sec. 4-20)	021						C	None
Hogs Farms, including hog feedlots (Sec. 4-20)	0213						C	None
Poultry & eggs (Sec. 4-20)	025						C	None
Animal specialties	027						P	None
Horses & other equine (Sec. 4-18)	0272				C	C	P	None
General Farms	029				P	P	P	None
Agricultural Services	07				P	P	P	1.0 per 1,000 s.f. GFA
Veterinary Services	0742				P	P	P	1.0 per 350 s.f. GFA
Animal Shelters & Pounds	0752				P	P	P	1.0 per 1,000 s.f. GFA
Landscape & Horticultural	078				P	P	P	1.0 per 1,000 s.f. GFA

TABLE I DIVISION A (continued)	SIC	R-1	R-2	B-1	B-2	I-1	RD	P	REQUIRED OFF-STREET PARKING SPACE(S) _
Forestry	08				P	P	P		None
Fishing, Hunting, Trapping	09						P		None
DIVISION B, MINING (Sec. 4-23)	10-14					C	C		None
DIVISION C, CONSTRUCTION									
Bldg. construction-general contract & operative bldrs. (Sec. 4-27)	15				P	P	C		1.0 per 1,000 s.f. GFA
Heavy Construction other than building construction contractors (Sec. 4-27)	16					P	C		1.0 per 1,000 s.f. GFA
Construction & Special Trade Contractors (Sec. 4-27)	17					P	C		1.0 per 1,000 s.f. GFA
DIVISION D, MANUFACTURING (Sec. 4-9)									
Food & kindred products	20					C			1.0 per 500 s.f. GFA
Tobacco Products	21					C			1.0 per 500 s.f. GFA
Textile mill products	22					C			1.0 per 500 s.f. GFA
Apparel & other finished prod. made from fabrics & similar materials	23					C			1.0 per 500 s.f. GFA
Lumber & wood products, except furniture	24					C			1.0 per 500 s.f. GFA
Furniture & fixtures	25					C			1.0 per 500 s.f. GFA

TABLE I DIVISION D (continued)	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Paper & allied products	26					C		1.0 per 500 s.f. GFA
Printing, publishing & allied indust.	27				P	P		1.0 per 500 s.f. GFA
Chemicals & allied products	28					C		1.0 per 500 s.f. GFA
Stone, clay, glass & concrete prod.	32					C		1.0 per 1,000 s.f. GFA
Petroleum refining & related indust.	29					C		1.0 per 500 s.f. GFA
Rubber & misc. plastic prod.	30					C		1.0 per 500 s.f. GFA
Leather & leather prod.	31					C		1.0 per 500 s.f. GFA
Primary metal ind.	33					C		1.0 per 1,000 s.f. GFA
Fabricated metal products, except machinery & transportation equip.	34					C		1.0 per 500 s.f. GFA
Industrial & commercial machinery	35					C		1.0 per 500 s.f. GFA
Computer and Office Equip.	357					C		1.0 per 500 s.f. GFA
Electronic & other electrical equipment & components, except computer equip.	36					C		1.0 per 500 s.f. GFA
Transportation equipment	37					C		1.0 per 500 s.f. GFA
Measuring, analyzing & controlling instruments; photographic, medical & optical goods; watches & clocks	38					C		1.0 per 500 s.f. GFA
Misc. manufacturing indust.	39					C		1.0 per 500 s.f. GFA
DIVISION E, TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS & SANITARY SERVICES								
Railroad Transportation	40				P	P		1.0 per 500 s.f. GFA

TABLE I

DIVISION E (continued)

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Local & suburban transit & interurban highway passenger transport	41				P	P		1.0 per 500 s.f. GFA
Motor freight transport. & warehousing	42					P		1.0 per 500 s.f. GFA
Mini-warehouses (Sec. 4-10)	4225				C	P	C	1.0 per 6 storage units
U.S. Postal Service	43			P	P	P	P	1.0 per 250 s.f. GFA
Marinas	4493				P	P	P	
Transportation by Air	45				P	P	P	1.0 per 500 s.f. GFA
Transportation Services	47				P	P		1.0 per 500 s.f. GFA
Communications	48			P	P	P	P	1.0 per 500 s.f. GFA
Communication towers & antennas (Sec. 4-11)	48			C	C	C	C	None
Electric, gas & sanitary services	49					P	P	1.0 per 500 s.f. GFA
Electric	491							
Generation	491				P	P	P	1.0 per 500 s.f. GFA
Transmission	491	P	P	P	P	P	P	
Natural Gas	492							
Storage	492				P	P	P	1.0 per 500 s.f. GFA
Transmission	492	P	P	P	P	P	P	
Water supply systems	494							
Transmission	494	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Storage/Treatment	494				P	P	P	
Sewerage systems	4952							
Collection	4952	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Treatment	4952	P	P	P	P	P	P	

TABLE I DIVISION E (continued)								REQUIRED OFF-STREET PARKING SPACE(S)
	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	
Refuse systems (Sec. 4-26)	4953				C	C	C	1.0 per 500 s.f. GFA
Air conditioning supply	496				P	P		1.0 per 500 s.f. GFA
DIVISION F, WHOLESALE TRADE								
Wholesale trade-durable goods	50				P	P		1.0 per 5,000 s.f. GFA
Scrap & waste materials (Sec. 4-12)	5093/5015					C		1.0 per 5,000 s.f. GFA
Wholesale trade-nondurable goods	51				P	P		1.0 per 5,000 s.f. GFA
TABLE I DIVISION G, RETAIL TRADE								REQUIRED OFF-STREET PARKING SPACE(S)
	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	
Building materials, hardware, garden supply & mobile home dealers	52							
Lumber & bldg. materials	521				P	P		1.0 per 1,000 s.f. GFA
Paint, glass & wallpaper	523			P	P	P		1.0 per 350 s.f. GFA
Hardware stores	525			P	P	P	P	1.0 per 350 s.f. GFA
Retail nurseries, lawn & garden sup.	526			P	P	P	P	1.0 per 350 s.f. GFA
Mobile home dealers	527				P			1.0 per 600 s.f. GFA
General Merchandise stores (Sec. 4-28)	53				P		C	1.0 per 350 s.f. GFA
Food stores (Sec. 4-21)	54			P	P		C	1.0 per 350 s.f. GFA
Convenience Stores (Sec. 4-21)	5411			P	P	P	C	1.0 per 350 s.f. GFA
Automotive dealers & gasoline service stations	55				P			1.0 per 600 s.f. GFA
Motor vehicle dealers	551/552			P	P		S	1.0 per 600 s.f. GFA

TABLE I
DIVISION G (continued)

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Motor vehicle dealers, minor (max. 4 vehicles on lot only and no vehicle over 6 wheels allowed)	551/552			P	P		P	1.0 per 600 s.f. GFA
Auto, home supply stores	553				P			1.0 per 350 s.f. GFA
Gasoline service stations	554				P	P	P	1.0 per 600 s.f. GFA
Truck stops	554				P	P		
Boat dealers	555				P			1.0 per 600 s.f. GFA
Boat dealers, minor (max. 4 boats on trailers on lot only)	555			P	P		P	1.0 per 600 s.f. GFA
Recreational vehicle dealers	556				P			1.0 per 600 s.f. GFA
Motor cycle dealers	557				P			1.0 per 600 s.f. GFA
Dealers not otherwise classified	559				P			1.0 per 600 s.f. GFA
Apparel & accessory stores (Sec. 4-29)	56			C	P		C	1.0 per 350 s.f. GFA
Home furniture, furnishings & equipment stores (Sec. 4-30)	57				P		C	1.0 per 350 s.f. GFA
Eating places	5812			P	P	P	S	1.0 per 150 s.f. GFA
Drinking places	5813				P			1.0 per 150 s.f. GFA
Miscellaneous retail	59				P		S	1.0 per 350 s.f. GFA
Drug & proprietary	591			P	P		S	1.0 per 350 s.f. GFA
Liquor stores (Sec. 4-21)	592				P		C	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets (Sec. 4-21)	593				P		C	1.0 per 350 s.f. GFA
Pawn shops	593				P			1.0 per 350 s.f. GFA

TABLE I
DIVISION G (Continued)
Flea Markets

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	REQUIRED OFF-STREET PARKING SPACE(S)
	593				P		P	1.5 per stall
Miscellaneous stores	594				P			1.0 per 350 s.f. GFA
Sporting goods & bicycle shops	5941			P	P		S	1.0 per 350 s.f. GFA
Book stores	5942			P	P		S	1.0 per 350 s.f. GFA
Stationery shops	5943			P	P			1.0 per 350 s.f. GFA
Jewelry stores	5944			P	P			1.0 per 350 s.f. GFA
Hobby, toy & game shops	5945			P	P			1.0 per 350 s.f. GFA
Camera & photography supply	5946			P	P			1.0 per 350 s.f. GFA
Gift, novelty & souvenir shops	5947			P	P		S	1.0 per 350 s.f. GFA
Luggage & leather goods stores	5948			P	P			1.0 per 350 s.f. GFA
Sewing, needle & piece goods	5949			P	P			1.0 per 350 s.f. GFA
Non-store Retailers	596			P	P			1.0 per 500 s.f. GFA
Fuel dealers	598				P	P		1.0 per 500 s.f. GFA
Retail not elsewhere classified, except grave monuments, and sexually oriented businesses	599				P			1.0 per 350 s.f. GFA
Grave stones, monuments	5999				P	P		1.0 per 500 s.f. GFA
Sexually oriented business (Sec. 4-13)	5999/7299				C			1.0 per 350 s.f. GFA
DIVISION H, FINANCE, INSURANCE AND REAL ESTATE								
Depository Institutions	60			P	P	P	S	1.0 per 350 s.f. GFA
Nondepository Institutions	61			P	P	P	S	1.0 per 350 s.f. GFA

TABLE I DIVISION H (continued)	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Security & commodity brokers, dealers, exchanges & services	62			P	P	P	S	1.0 per 350 s.f. GFA
Insurance carriers	63			P	P	P	S	1.0 per 350 s.f. GFA
Insurance agents, brokers & service	64			P	P	P	S	1.0 per 350 s.f. GFA
Real Estate	65			P	P	P	S	1.0 per 350 s.f. GFA
Cemeteries	6531/6553				P	P	P	None
Holding & other investment offices	67			P	P	P	S	1.0 per 350 s.f. GFA
DIVISION I, SERVICES								
Hotels, Rooming houses, camps, and other lodging	70							
Hotels & motels	701				P			1.5 per rental unit
Bed & Breakfast Inns (Sec. 4-7)	7011	C	C	C	P		C	1.0 per bedroom
Rooming & boarding houses, dormitories, group housing (Sec. 4-31)	702/704	C	C	C	P		C	1.0 per bedroom
Camps & recreational vehicle parks (Sec.4-14)	703				C		C	Not Applicable
Hunting and Fishing Camps	7032	C	C	C	C	C	C	Not Applicable
Personal services								
Laundry, cleaning & garment serv.	721				P	P		1.0 per 500 s.f. GFA
Coin operated laundries dry cleaning	7212/7215			P	P		S	1.0 per 250 s.f. GFA
Photographic studios, portraits	722			P	P		S	1.0 per 300 s.f. GFA
Beauty shops	723			P	P		P	2.5 per chair or basin

TABLE I DIVISION I (continued)	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	REQUIRED OFF-STREET PARKING SPACE(S)
Barber shops	724			P	P		P	2.5 per chair or basin
Shoe repair, shoe shine shops	725			P	P		S	1.0 per 300 s.f. GFA
Funeral service, except crematories	726			P	P		S	5.0, plus 1.0 per 2 seats main assembly
Crematories	726					P		1.0 per 500 s.f. GFA
Misc. personal services	729			P	P		S	1.0 per 300 s.f. GFA
Business Services	73				P	P		1.0 per 300 s.f. GFA
Salvaging & scrap steel cutting	7389					P		1.0 per 300 s.f. GFA
Signs	NA	SEE ARTICLE V						None
Automotive repair & services	75				P			1.0 per 500 s.f. GFA
Automotive parking	752			P	P	P	S	None
Car washes	7542				P			None
Miscellaneous Repair (Sec. 4-21)	76			S	P	S	C	1.0 per 350 s.f. GFA
Motion picture dist. & allied services, video tape rental (Sec. 4-21)	78			P	P		C	1.0 per 350 s.f. GFA
Motion picture theaters	783				P			1.0 per 5 seats
Amusement & recreation services	79							
Dance studio & schools	791			P	P	S	S	1.0 per 200 s.f. GFA
Theatrical producers	792			P	P		S	1.0 per 300 s.f. GFA
Bowling centers	793				P			5.0 per lane
Commercial sports	794				P			By Individual Review
Horse race, training (only)	7948				P		P	By Individual Review

TABLE I

DIVISION I (continued)

Vehicular, race, testing (Sec. 4-16) 7948

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u> By Individual Review
Miscellaneous Amusement	799				P			By Individual Review
Physical fitness facilities	7991			P	P		S	1.0 per 300 s.f. G F
Public golf courses	7992	P	P		P		P	5.0 per hole
Golf driving range	7999				P			By individual review
Coin operated amusement (Sec. 4-15)	7993				C			1.0 per 200 s.f. GFA
Amusement parks	7996				P			By Individual Review
Misc. amusement services	7997				P			By Individual Review
Recreational, golf, tennis & swimming clubs	7997	P	P		P		S	1.0 per 4 members based on maximum anticipated membership
Amusement & recreation services not elsewhere classified	7999				P			By Individual Review
Fairs, carnivals (Sec. 4-19)	7999				C	C		
Public parks & playgrounds	7999	P	P	P	P	P	P	
Outdoor shooting range (Sec. 4-24)	7999						C	
Go-cart raceway (Sec. 4-25)	7999				C			
Health Services	80				P			1.0 per 150 s.f. GFA
Offices & clinics of doctors of medicine	801			P	P	P	S	1.0 per 150 s.f. GFA
Offices & clinics of dentists	802			P	P	P	S	1.0 per 150 s.f. GFA
Offices & clinics of doctors of osteopathy	803			P	P	P	S	1.0 per 150 s.f. GFA
Offices & clinics of other								

TABLE I
DIVISION I (continued)

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Offices & clinics of other health practitioners	804			P	P	P	S	1.0 per 150 s.f. GFA
Nursing & personal care facilities	805	P	P	P	P		P	0.4 per bed
Hospitals	806				P			0.7 per bed
Medical & dental laboratories	807				P	P		1.0 per 500 s.f. GFA
Home health care services	808			P	P		S	1.0 per 500 s.f. GFA
Misc. health & allied services	809			P	P		S	1.0 per 500 s.f. GFA
Legal Services	81			P	P		S	1.0 per 350 s.f. GFA
Educational Services	82							
Elementary schools	821	P	P	P	P		P	2.0 per classroom, plus 5 admin. spaces
Secondary schools	821	P	P	P	P		P	5.0 per classroom, plus 10 admin. spaces
Colleges, universities, professional schools	822				P			5.0 per classroom, plus 2 per admin. office
Libraries	823			P	P		S	1.0 per 350 s.f. GFA
Vocational schools	824			P	P	P	S	5.0 per classroom, plus 2 per admin. office
Other schools & educ. serv.	829			P	P		S	5.0 per classroom, plus 2 per admin. office
Social Services	83			P	P		S	1.0 per 350 s.f. GFA
Individual & family soc. serv.	832			P	P		S	1.0 per 350 s.f. GFA
Job training & vocational rehabilitation services	833				P	P		1.0 per 350 s.f. GFA

TABLE I DIVISION I (continued)	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Child day care services	835		P	P	P		P	1.0 per 200 s.f. GFA
Residential care	836		P	P	P		P	1.0 per 500 s.f. GFA
Other social services	839			P	P		S	1.0 per 500 s.f. GFA
Museums, Art Galleries, and Zoological Gardens	84							
Museums & art galleries	841				P			1.2 per 1,000 s.f. GFA
Arboreta, botanical, zoological gardens	842				P			1.2 per 1,000 s.f. GFA
Membership Organizations, i.e. religious, fraternal, professional, political, civic, business (Sec. 4-32)	86			P	P	P	C	1.0 per 250 s.f. GFA
Religious organizations	866	P	P	P	P	P	P	
Engineering, accounting, research management & related services	87			P	P	P	S	1.0 per 350 s.f. GFA
Misc. services, i.e. artists, authors geologists, etc.	89			P	P	P	S	1.0 per 350 s.f. GFA
PUBLIC ADMINISTRATION								
Executive, legislative & general government, except finance	91			P	P			1.0 per 350 s.f. GFA
Justice, public order & safety	92			P	P	P	S	1.0 per 350 s.f. GFA
Courts	921				P			1.0 per 350 s.f. GFA
Public order & safety	922	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Correctional Institution	9223				P	P		1.0 per jail cell, plus 1.0 per 250 s.f. GFA
Fire protection	9224	P	P	P	P	P	P	4.0 per bay

TABLE I
DIVISION I (continued)

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Public finance, taxation & monetary policy	93			P	P	P	S	1.0 per 350 s.f. GFA
Administration & human resources	94			P	P	P	S	1.0 per 350 s.f. GFA
Administration of environmental quality & housing programs	95			P	P	P	S	1.0 per 350 s.f. GFA
Administration of economic programs	96			P	P	P	S	1.0 per 350 s.f. GFA
RESIDENTIAL USES								
Single-family detached housing	NA	P	P	P	P		P	2.0 per unit
Manufactured housing (Sec. 4-2)	NA	C	C				C	2.0 per unit
Duplexes	NA		P				P	2.0 per unit
Mobile homes	NA	See Section 4-3						2.0 per unit
Manufactured home parks (Sec. 4-4)	NA		C					2.0 per unit
Townhouses (Sec. 4-5)	NA		C		C			2.0 per unit
Patio houses (Sec. 4-6)	NA	C	C		C			2.0 per unit
Triplexes, quadraplexes	NA		P		P			2.0 per unit
Multi-family dwellings, apts.	NA		P		P			1.5 per one bedroom unit 2.0 per all other units
ACCESSORY USES TO RESIDENTIAL USES (Sec. 8-7.2)								
Bathhouses & cabanas	NA	P	P	P	P	NA	P	None
Domestic animal shelters	NA	P	P	P	P	NA	P	None
Non-commercial greenhouses	NA	P	P	P	P	NA	P	None
Private garage & carport	NA	P	P	P	P	NA	P	None

Table I

ACCESSORY USES TO RESIDENTIAL USES (continued)

	<u>SIC</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>	<u>REQUIRED OFF-STREET PARKING SPACE(S)</u>
Storage building	NA	P	P	P	P	NA	P	None
Swimming pool, tennis courts	NA	P	P	P	P	NA	P	None
Auxiliary shed, workshop	NA	P	P	P	P	NA	P	None
Home occupation (Sec. 4-22)	NA	C	C	C	P	NA	C	None
Orticulture, gardening	NA	P	P	P	P	NA	P	None
Family day care home	836	P	P	P	P	NA	P	None
Satellite dishes, etc.	NA	P	P	P	P	P	P	None
Coin operated laundry, office in multi-family project or manufactured home park	NA	NA	P	NA	P	NA	NA	None
Accessory apartments (Sec. 4-8)	NA	C	C	C	C	NA	C	1.0 per apartment
Equestrian Uses (Sec. 4-18)	0272	C	C	C	C	NA	P	None

ACCESSORY USES TO NON-RESIDENTIAL USES (Sec. 8-7.2)

Buildings, structures	NA			P	P	P	P	None
Open storage (Sec. 4-17)	NA			C	C	C	C	None
TEMPORARY USES (Sec. 4-19)	NA	C	C	C	C	C	C	See Section 4-19

TABLE II

**SCHEDULE OF LOT AREA, YARD, SETBACK, HEIGHT, DENSITY, FLOOR AREA AND
IMPERVIOUS SURFACE REQUIREMENTS, BY DISTRICT**

District	Minimum Lot			Minimum Yard and Building Setback (ft.)							Maximum Impervious Surface Ratio	Maximum Residential Density (C)	Maximum Floor Area Ratio: Non-Res. Uses (D)
	AREA (s.f.)		Width (ft.)	FRONT(A)		SIDE		REAR		Maximum Height (ft.) (B)			
	Res.	Non-Res.		Major Street	Minor Street	Res.	Non-Res.	Res.	Non-Res.				
R-1	15,000	30,000	80	35	25	7.5	25	20	40	35	.35	2.5	.15
R-2	(E)	20,000	50	35	25	5	25	15	40	4 stories	.65	10.0	.25
B-1	6,000	6,000	40	35	25	5	(F)	15	15	4 stories	.65	7.0	.50
B-2	(E)	6,000	40	35	25	5	(F)	15	5	None	.75	10.0	NA
I-1	NA	10,000	75	35	25	NA	(G)	NA	(H)	None	.75	NA	NA
RD	43,560 (I) (J)	43,560	100	35	25	20	20	30	30	35	.20	1.0 (I), (J)	.20

(A) through (J) See Notes to Table II.

Refer to Sections 8.2 and 8.3 for yard and setback modifications.

(s.f.) = square feet; (ft.) = feet; (NA) = Not Applicable

NOTES TO TABLE II

- (A) Measurement from front property line.
- (B) Measurement from average elevation of finished grade within 20 feet of the structure.
- (C) Measurement in units per gross acre.
- (D) Measured as a percent of total lot area.
- (E) 6,000 square feet for single-family dwelling (unit); 4,000 square feet for each additional dwelling unit.
- (F) 5 feet on one side only, except on lots adjacent to a residential zone, where a setback equal to the one required by the residential zone shall be provided along the line separating the two. Where a side setback, not required, is provided, it shall be not less than 3 feet wide.
- (G) 10 feet; except on lots adjacent to residential districts, where the minimum setback shall be 40 feet.
- (H) 20 feet; except on lots adjacent to residential districts, where the minimum setback shall be 40 feet.
- (I) Allowing lot sizes one-half acre in the RD District where public water and are available provided the lot fronted on a public street, and meet all other minimum requirements.
- (J) Allowed lot sizes less than minimum where approved as Family Exemption under Section 8-8.3.

ARTICLE III

SPECIAL PURPOSE DISTRICT

Section 3-1. APD, Airport Protection District.

Section 3-1.1. Permitted Uses

This is an “overlay” zone. As such, permitted uses are determined by the “underlying” or primary zone. These regulations temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of 3-1. They do not determine or regulate the use of property. However, primary zone use regulations notwithstanding, no use may be made of land or water within the Airport Protection District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 3-1.2. Height Limitations

Except as otherwise provided by this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained within the APD, Airport Protection District to a height in excess of the applicable height limits herein established for the following described areas within the APD.

(1) Utility Runway Visual Approach Surface Area

This area begins at, corresponds with the width of the primary surface (runway), and is 250 feet wide. Within this area, the height limitations rise uniformly at a 20:1 slope (20 feet horizontally to 1 foot vertically) to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface along the extended runway centerline.

(2) Runway Larger than Utility Visual Approach Surface Area

This area begins at, corresponds with the width of the primary surface area, and is 250 feet wide. Within this area the height limitations rise uniformly at a 20:1 slope to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface along the extended runway centerline.

(3) Runway Larger than Utility Non-Precision Approach Surface Area

This area begins at, corresponds with the width of the primary surface area, and is 500 feet wide. Within this area the height limitations rise uniformly at a 34:1 slope to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface along the extended runway centerline.

(4) Precision Instrument Runway Approach Area

This area begins at, corresponds with the width of the primary surface, and is 1,000 feet wide. Within this area the height limitations rise uniformly at a 50:1 slope for a horizontal distance of 10,000 feet, and then at 40:1 slope for a horizontal distance of 16,000 feet. The centerline of this area is the continuation of the runway centerline.

(5) Horizontal Area

This area is established 150 feet above the airport elevation by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

(6) Conical Area

The conical area slopes upward and outward from the periphery of the horizontal area at a 20:1 slope for a horizontal distance of 4,000 feet.

(7) Transitional Area

The transitional area slopes upward and outward 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport.

Section 3-1.3. Measurements and Maps

Measurements to determine the above shall be calculated using the Airport Layout Plan, on file in the office of the Building Official.

Section 3-1.4. Relationship of APD to Sanitary Landfills

Various studies and observations have resulted in the conclusion that sanitary landfills attract birds, and that birds in the vicinity of airports create potential hazards to aircraft operations. Aircraft accidents have resulted when aircraft collided with low-flying birds, particularly during takeoff and landing. In order to prevent such an occurrence in Fairfield County, the following regulations shall apply with regard to location of landfills:

- (1) No landfill shall be located within 10,000 feet of the airport runway.
- (2) Landfills located further than 10,000 feet from the runway, within the conical surface previously described, will be reviewed for permitting on a case-by-case basis by the County Council in consultation with the Airport Commission.

Section 3-1.5. Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this section may apply to the Board of Zoning Appeals for a variance from these regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Such variance shall be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief

granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no application for a variance to the requirements of this Section may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Fairfield County Airport Commission for advice as to the aeronautical effects of the variance. If the Airport Commission does not respond to the application

within thirty (30) days after receipt, the Board may act on its own to grant said variance.

Section 3-2. PDD Planned Development District

Section 3-2.1. Establishment of PDD

A PDD shall be established on the official Zoning map by the same procedure as for amendments generally (Article 10) and in accord with the requirements of this Section.

Additionally, each PDD shall be identified by a prefix and number indicating the particular district, as for example "PDD - 99 - 1" (Zone - Year - Number), together with whatever other identification appears appropriate.

Section 3-2.2. Permitted Uses in PDD

Any use or combination of uses meeting the objectives of this section may be established in a PDD upon review and recommendation of the County Planning Commission and approved amendatory action by County Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list approved uses shall be binding on the applicant and any successor in title so long as the PDD Zoning applies to the land, unless otherwise amended by Ordinance.

Section 3-2.3. Development Standards

(1) Minimum Area Required

Minimum area requirements for establishing a PDD shall be five acres.

(2) Density

Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water, and sewage systems, recreation facilities, fire and police protection, etc.

(3) Overall Site Design

Overall site design shall be harmonious in terms of landscaping, enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

(4) Parking and Loading

Off-street parking and loading spaces for each PDD shall comply with the requirements of Table II, as applicable for the uses proposed for the PDD, and the requirements of Article 7.

(5) Streets and Street Improvements

Private streets may be permitted in a PDD provided such streets meet the design and construction standards promulgated for public streets; further provided that an acceptable maintenance plan is submitted to an approved as part of the PDD plan.

(6) Landscaping and Common Open Space

Landscaping and open space requirements for each PDD shall comply with the provisions of Section 6.2 and 6.3 of this Ordinance.

(7) Signage

Signage shall be in harmony and scale with and reflective of the proposed PDD.

Section 3-2.4. Site Plan Requirements

A site plan showing the proposed development shall be prerequisite to the approval of a PDD. The Site Plan shall adhere to the requirements of this section and shall show the information called for in Section 9.2.

Section 3-2.5. Financial Guarantees

Where public improvements and/or “common” amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD Plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to schedule target date and certified by the Building Official, the applicant/developer may provide financial guarantees acceptable to the County, to ensure the proper installation of such required improvements. The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

Section 3-2.6. Action by Planning Commission and Council

Action by the Planning Commission and Council may be to approve the Plan and application to establish a PDD, to include specific modifications to the Plan, or to deny the application to rezone or establish a PDD. If the Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

Section 3-2.7. Administrative Action

After a PDD Plan has been approved and the zone classification established on the official zoning map, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

Section 3-2.8. Changes in Approved PDD Plans

Except as provided in this section, approved PDD Plans shall be binding on the owner and any successor in title.

Minor changes in approved PDD site plans may be approved by the Building Official on application by the applicant, upon making a finding that such changes are:

- (J) In accord with all applicable regulations in effect at the time of the creation of the PDD District; or
- (K) In accord with all applicable regulations currently in effect.

Major changes to an approved PDD shall require consent of the County Planning Commission. In reaching a decision as to whether the change will require Planning Commission approval, the Building Official shall use the following criteria:

- (A) Any increase in intensity or use resulting in added floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations;
- (B) Any change in parking areas resulting in an increase or reduction in the number of spaces;
- (C) Structural alterations significantly affecting the size, form, style, and location of buildings as shown on the approved Plan;
- (D) Any reduction in the amount of open space or any change in the location or characteristics of open space;

(E) Any change in pedestrian or vehicular access or circulation.

Any change in use from one use group to another shall constitute a change requiring the reestablishment of the PDD through the amendatory process (Article 10).

ARTICLE IV

CONDITIONAL USE REGULATIONS

Section 4-1. Application

The requirements of this Article shall apply to all conditional uses listed on Table I, as applicable.

Section 4-2. Manufactured Housing

4-2.1 Setup

Manufactured housing, where permitted by this Ordinance, shall:

- (1) Be installed in accord with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (2) Be underskirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
- (3) Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable Building Codes.
- (4) Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
- (5) Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- (6) Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter.

Any existing home not in compliance with this Section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180) days of the effective date, or be declared by the Building Official to be in violation of this Ordinance, and processed accordingly as provided for in Article XIII.

It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the Building Official to establish said home.

It shall be the duty and responsibility of each supplier of electricity to render a monthly report to the Building Official as to connections and disconnections made to manufactured homes.

The Building Official may, at his discretion, issue a temporary permit to secure electrical service for a valid reason such as the construction of power pole to aid in the installation of the unit. A temporary permit shall be valid for fifteen (15) days unless otherwise specified on the permit. This provision shall not be construed to exempt the applicant from the requirement for a regular permit within the fifteen (15) day period. If a permit is not obtained as required, the Building Official may direct that the electricity be disconnected. Any additional fee to reconnect would be the responsibility of the owner or applicant.

4-2.2 Appearance (applies to R-1 and R-2 Districts only)

Where permitted by this Ordinance, manufactured homes, as defined herein shall:

- (1) Be covered with an exterior material customarily used on conventional dwellings. The exterior covering material must extend to the ground; however where a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- (2) Have a pitched roof with a minimum of two inch vertical rise for

each 12 inches of horizontal run. Said roof shall consist of shingles or other material customarily used for conventional dwellings.

- (3) Have a roof overhang not less than eight inches measured from the vertical side of the structure. When carports, garages, porches, or similar structures are attached as an integral part of the unit, the Building Official may waive the eave requirement.
- (4) Be placed on the lot in such a manner that is compatible with and reasonably similar in orientation to surrounding site built housing.
- (5) Be not less than 18 feet wide.

4-2.3 Habitability

No manufactured home shall be permitted, used or occupied nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Building Official.

The term "habitable" as used herein means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable shall include the provision of the following facilities.

- (1) **Sanitary Facilities.** Every manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
- (2) **Hot and Cold Water Supply.** Every manufactured home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.

- (3) **Heating Facilities.** Every manufactured home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile or manufactured home shall be provided with an alternative system, approved by the Building Official.
- (4) **Cooking and Heating Equipment.** All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.
- (5) **Smoke Detector.** Every mobile and manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.

4-2.4 Compliance Required

No manufactured home shall be used or occupied unless and until the home has been installed in accord with these regulations and inspected for compliance by the Building Official.

Where upon inspection by the Building Official, a manufactured home is found not to meet the minimum requirements of habitability described herein, said official shall take appropriate action to require the owner to make the necessary improvements to render the unit habitable; or block the use and placement of said unit by refusing to issue an installation permit, and denying electricity to the unit.

Failure to secure inspection and approval prior to occupying such unit shall be a violation of this Ordinance and processed accordingly, as provided for in Article IX.

The Building Official may grant exceptions to this requirement in hardship cases, not to exceed 30 days.

4-2.5 Fees

The following fee schedule is hereby established to cover the cost of permit

review and inspections for compliance with the provisions of this Section.

Installation Fee	\$10.00
Plumbing & Electrical Fee	40.00
Site Inspection	<u>50.00</u>
Total	\$100.00

Reinspection, when required, shall be preceded by a reinspection fee of \$10.00 per visit.

This fee schedule including reinspection fee may be amended as needed through the County's budget adoption process.

Section 4-3. Mobile Homes

Mobile homes, as defined by this Ordinance, shall not be permitted, established or reestablished within the jurisdiction of this Ordinance. Where in existence at the time of adoption of this Ordinance, such uses may be continued in accord with the provisions of Section 8-9, Nonconformities; provided such uses are maintained in habitable condition, as defined by and subject to the conditions of Section 4-2.3.

Section 4-4. Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

- (1) The park site shall be not less than three (3) acres, and have not less than 200 feet frontage on a public dedicated and maintained street or road.
- (2) The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
- (3) All dwelling spaces shall abut upon an all-weather surface driveway of not less than eighteen (18) feet in width which shall have unobstructed access to a public street.

- (4) A description of the procedures of any proposed home owners association or other group maintenance agreement must be submitted to and approved by the County Attorney, as appropriate.
- (5) All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400-foot intervals.
- (6) Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
- (7) All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (8) Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.
- (9) Space Numbers: Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
- (10) No manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.
- (11) The maximum number of mobile or manufactured home spaces shall not exceed seven (7) per acre.
- (12) Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
- (13) In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible.

- (14) **License Required, Revocation:** A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal.

Said license may be revoked by the Building Official for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.

- (15) **Site Plan Required:** A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a Building Permit shall accompany all applications to establish a manufactured home park.

Section 4-5. Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table II are hereby waived and the following design requirements imposed for all such projects:

- (1) Such projects shall have a minimum of 0.5 acres.
- (2) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than 20 foot distance between buildings in the project area.
- (4) Rear yard setbacks shall be 20 feet.
- (5) Minimum lot width shall be 18 feet.
- (6) Sidewalks not less than three (3) feet in width shall be provided along the front property line of each project, building.
- (7) Impervious surface area shall not exceed 65 percent of a townhouse lot,

on average; except where common open space is provided in the amount of 20 percent or more. In such instances, impervious surface areas may increase to 85 percent of a townhouse lot, on average.

- (8) Maximum height of buildings shall not exceed 35 feet.
- (9) Front yard setbacks shall be as prescribed by Table II, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
- (10) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.

Section 4-6. Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table II are hereby waived and the following requirements imposed on all such projects:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit, on average.
- (3) Minimum lot width shall be 40 feet.
- (4) Maximum height of buildings shall not exceed 35 feet.
- (5) Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.
- (6) A minimum patio or yard area of 700 square feet shall be provided on each lot, not more than 15 percent of which shall be impervious to water.
- (7) At least one side yard extending not less than 5 feet from the property line

shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of 5 feet.

- (8) The side yard of the exterior units shall be five (5) feet from the "outside" property line.
- (9) Rear yard setbacks shall be not less than 10 feet.
- (10) Front yard setbacks shall be as prescribed by Table II, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.

Section 4-7. Bed and Breakfast Inns (SIC 7011)

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where permitted by this Ordinance, shall:

- (1) Be occupied by the resident/owner.
- (2) Only be permitted in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes.
- (3) Serve no regularly scheduled meal other than breakfast.
- (4) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of bedrooms in the original structure.
- (5) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.

- (6) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant.
- (7) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.

Section 4-8. Accessory Apartments

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- (4) An accessory apartment may be accessory only to a single family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 10 feet from the principal dwelling.
- (7) Evidence of the accessory apartment should not be apparent from the street.
- (8) A third off-street parking space shall be required.

- (9) Neither the primary residence nor the accessory apartment shall be a manufactured home.

Section 4-9. Manufacturing Uses (Division D)

The following performance standards shall be used to ensure that all conditionally permitted manufacturing uses shall produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises.

- (1) **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

- (a) Residential property line: 0.02
- (b) Non-residential property line: 0.10

Table III

Night Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

Frequency Band (In Cycles Per Second)	Sound Pressure Levels (In Decibels)	
	At Non-Residential Lot Line	At Residential Lot Line
20 - 75	69	65
75 - 150	60	50
150 - 300	56	43
300 - 600	51	38
600 - 1,200	42	33
1,200 - 2,400	40	30
2,400 - 4,800	38	28
4,800 - 10,000	35	20

Table IV

Day Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below.

<u>Type of Operation in Character of Noise</u>	<u>Correction In Decibel*</u>
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5

* Apply to the preceding table one of these corrections only.

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

- (2) **Fire and Explosives.** All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate fire fighting and fire suppression equipment, as prescribed in the Standard Building Code.
- (3) **Noise.** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in Tables III and IV in any octave band or frequency. Sound pressure level shall be measured with a Sound Level

Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.

- (4) **Air Pollution.** The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Pollution Control Authority.

Air pollution emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

- (5) **Odor.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
- (6) **Glare.** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.
- (7) **Fumes and Vapors.** There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.
- (8) **Heat, Cold, Dampness or Movement of Air.** Activities which could produce any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- (9) **Toxic Matter.** The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in said listing, the applicant shall satisfy the Building Official that the proposed levels

will be safe to the general population.

- (10) **Exterior Illumination.** All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Maximum Intensity of Light Sources

	<u>Column A</u>	<u>Column B</u>
Bare Incandescent Bulbs	15 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Backlighted or luminous background signs	150 ft. lamberts	250 ft. lamberts
Outdoor Illuminated Signs & Poster Panels	25 ft. candles	110 ft. candles
Any other unshielded sources, intrinsic brightness	50 candela per square centimeter	50 candela per square centimeter

Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

- (11) **Compliance Guarantee.** The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use and shall submit

with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly. Where there is a potential problem in meeting any one of the performance criteria in this Section, the applicant shall be required to mitigate to the satisfaction of the Building Official any potential adverse impacts of such operation and/or request a variance before the Board of Zoning Appeals in accord with the provisions of Section 9-9.

Section 4-10. Mini-warehouses (SIC 4225)

Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

- (1) **Size.** Mini-warehousing sites shall not exceed two acres.
- (2) **Lot Cover.** Lot coverage of all structures shall be limited to 50 percent of the total area.
- (3) **In/Out.** Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line. In a RD zoned area the ingress and egress must be direct access to a major street only.
- (4) **Storage Only.** No business activities other than rental of storage units shall be conducted within or from the units.
- (5) **Storage Space.** The storage space or gross floor area of a single unit shall not exceed 300 square feet.

Section 4-11. Communication Towers and Antennas (SIC 48)

Where conditionally permitted by Table I, communication towers and antennas shall adhere to the following regulations.

- (1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.

- (2) All applicable safety code requirements shall be met.
- (3) The tower or antenna shall not be painted or illuminated unless otherwise required by state or federal regulations.
- (4) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.
- (5) Towers or antennas shall be exempt from the maximum height requirements of this ordinance, except as provided in Section 8.5.
- (6) Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
 - (a) \$200 processing fee.
 - (b) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
 - (c) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - (d) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
 - (e) A report from a structural engineer registered in South Carolina

showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.

- (f) Identification of the owners of all antennae and equipment to be located on the site.
- (g) Written authorization from the site owner for the application.
- (h) Evidence that a valid FCC license for the proposed activity has been issued.
- (i) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- (j) A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
- (k) Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the affected government, in form approved by the county attorney, as appropriate.

Section 4-12. Scrap and Waste Material (SIC 5093/5015)

The location of these uses, where permitted by Table I, shall be regulated by the following:

- (1) No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
- (2) No material because it is discarded and incapable of being reused in some form shall be placed in open storage.

- (3) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.
- (4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
- (5) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight (8) feet in height.

Section 4-13. Sexually Oriented Business (SIC 5999/7299)

4-13.1 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses where permitted by Table II, shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 1,000 feet (measured in a straight line) of:

- (1) a residential property line,
- (2) a church or religious institution,
- (3) public or private schools and educational facilities,
- (4) public parks and recreational facilities, or
- (5) US 321, US 21, SC 34, SC 200, SC 215 and SC 269.

4-13.2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid Permit and/or License, issued by the Building Official for the particular type of business.

- (1) An application for a permit and/or license must be made on forms provided by the Building Official.

- (2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

4-13.3 Expiration of License

Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

4-13.4 Fees

The annual fee for a sexually oriented business permit and/or license shall be as determined by applicable Business License fees, but not less than five hundred dollars (\$500).

4-13.5 Inspection

- (1) An applicant or permittee and/or licensee shall permit the Building Official and representatives of the police, health or fire departments or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

4-13.6 Suspension

The Building Official shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

- (1) Violated or is not in compliance with any section of this Ordinance.
- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.

- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

4-13.7 Revocation

- (1) The Building Official shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
- (2) The Building Official shall revoke a permit and/or license if he determines that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.
 - (b) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
 - (c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.
 - (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
 - (e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.
 - (f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due.

Section 4-14. Camps and Recreational Vehicle Parks (SIC 703)

Camps and recreational vehicles (RV) parks, where permitted by Table I, shall comply with the following site and design standards.

- (1) The site shall be at least two (2) acres.
- (2) The site shall be developed in a manner that preserves natural features and landscape.
- (3) The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - (a) Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - (b) Minimum setbacks for all structures and recreational vehicles shall be:

Street frontage	35'
All other property lines	25'
 - (c) Maximum density for RV parks shall not exceed 12 vehicles per acre.
 - (D) Maximum density for campgrounds shall not exceed 12 cabins or camp sites per acre.
- (4) Areas designated for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drives shall be located at least one hundred fifty (150) feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.
- (5) All streets within RV Parks shall be private and not public.
- (6) Each RV park site shall be serviced by public water and sewer systems

approved by DHEC.

- (G) Each camp ground including primitive and hunting camps must have a water and sewer system approved by DHEC.

Section 4-15. Coin Operated Amusement Devices (SIC 7993)

No coin operated amusement device which provides payouts authorized by Section 17-19-60 of the South Carolina Code of Laws shall be located within three hundred feet of a public or private elementary, middle or secondary school; a public or private kindergarten; a public playground or park; a public vocational or trade school or technical educational center; a public or private college or university; or house of worship; nor shall such device be operated in a non-permanent structure such as a tent, mobile home, trailer or temporary structure. The provisions of this section shall not apply to any location with machines:

- (1) licensed before May 30, 1993, or
- (2) not involving payouts authorized by Section 17-19-60 of the Code of Laws of South Carolina.

Section 4-16. Vehicular Race and Testing Tracks (SIC 7948)

Vehicular race and testing tracks are declared by this Ordinance to be incompatible with residential development. Additionally, any such use has the potential of negatively impacting many non-residential uses. Compliance with the following development standards is therefore prerequisite to a location in Fairfield County.

- (1) No such use shall be located within 1,500 feet of any residential use, park or church (measured in a straight line), and 500 feet of any other use.
- (2) Dirt tracks shall be located no closer than 2,500 feet of any residential use.
- (3) Proposed facilities shall have direct access via major streets only.

Section 4-17. Open Storage Areas

Open storage areas, where permitted as an accessory use by Table I, shall not occupy over 20 percent of the buildable area, shall not be located in any required setback area, and shall be relatively obscured from public view by screening or placement on the lot.

Section 4-18. Equestrian Uses (SIC 0272)

Where permitted as a conditional use, the keeping of horses for private use shall be governed by the following:

- (1) Minimum lot area shall be 1/2 acre per horse.
- (2) Each stable shall have a minimum fenced paddock area of 500'.
- (3) Stables shall be located no closer than 100' to the nearest residential property line.
- (4) Paddock fences shall be located no closer than 50' to the nearest residential property line.
- (5) The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.
- (6) The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.
- (7) The lot must be maintained in a sanitary condition through the proper use of lime and pesticides.
- (8) Manure piles shall be maintained in covered containers, and located at least fifty (50) feet from any dwelling, pool, patio or other recreational structure on an adjoining lot and at least twenty-five (25) feet from any property lines.
- (9) All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.

- (10) All grain on the lot must be stored in rodent-proof containers.
- (11) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors.
- (12) Any exercise and/or training areas on the lot must be dampened so as to prevent dust.
- (13) Prompt veterinary care and services must be provided for sick horses and sick horses shall be removed promptly when deemed necessary by a licensed veterinarian.
- (14) Complaints regarding a lot not maintained in compliance with the foregoing maintenance provisions shall be filed with the Building Official. Violations of these provisions may result in revocation of the conditional use or other appropriate action, or penalty, as provided by this Ordinance.

Section 4-19. Temporary Uses

4-19.1 Permit Required

The Building Official is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit. Community events, County sponsored events, and large family reunions are allowed as temporary uses in all zoned areas. Community events, County sponsored events, and large family reunions are exempt from any requirement to obtain a permit for such activities and they are exempt from any additional requirements contained in this section.

A community event for this section is defined as a publicly sponsored, non profit activity providing for one (1) or more of various types of cultural, social, or recreational uses intended to serve the surrounding community, i.e. church or school activities. The term publicly sponsored means that an investment by the County, municipality, local school, or local church is involved in some fashion in the sponsorship of the event.

Temporary use permits may be renewed no more than twice within one calendar year unless otherwise noted, provided that said use will not create traffic congestion or

constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Building Official.

4-19.2 Type and Location

The following temporary uses and no others may be permitted by the Building Official, subject to the conditions herein.

- (1) Religious meetings in a tent or other temporary structure in the B-2 and RD Districts for a period not to exceed ninety (90) days.
- (2) Open lot sales of Christmas trees in the B-1, B-2 and RD Districts for a period not to exceed forty-five (45) days.
- (3) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless repermited; provided that such office be placed on the property to which it is appurtenant.
- (4) Temporary "sale" stands in the B-1, B-2 and RD Districts for a period not to exceed sixty (60) days.
- (5) Portable classrooms in any district for cultural or community facilities, educational facilities or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be observed and maintained.
- (6) Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.
- (7) Fairs, carnivals and festivals shall in addition to the general requirements of 4-19-1 are subject to the following requirements:
 - a. Designated off -street parking must be provided for all attendees and participants. The ingress/egress shall be clearly marked both

for all main entrances and designated parking areas.

- b. The Fairfield County Sheriff Department must be notified at least fourteen days prior to the event. The promoter/sponsor must present a Traffic Control and Security Plan to the Fairfield County Sheriff Department. The Fairfield County Sheriff Department must approve the plan. Any cost for providing traffic control and security is the responsibility of the promoter/sponsor. A minimum of two security officers per event day are required. The event must comply all times with the approved Traffic Control and Security Plan. If security is required the event must cease operations if the security is no longer present.
- (8) Turkey shoots in RD, B-2, and I-1 Districts for a period not to exceed sixty (60) days may be permitted. The use shall be oriented away from habitable and/or occupied areas. The site must be suitable in size and area to ensure safety of area residents. Operation shall not extend past 10:00pm.
- (9) Motorcycle, truck, car shows and outdoor music events/festivals shall in addition to the general requirement of 4-19.1 are subject to the following requirements:
- a. Any permit issued will be based on the expected maximum daily attendance. It will be in violation of this Zoning Ordinance to allow for any attendance in excess of the permitted figure.
 - b. Designated off -street parking must be provided for all attendees and participants. The off-street parking will be based on the maximum daily attendance. The ingress/egress shall be clearly marked both for main entrances and designated parking areas. A site plan shall be submitted with the application showing designated off-street parking area including number of parking spaces. Maximum permitted attendance capacity for the event will be based on the off-street parking provided for.

- i. The Fairfield County EMS must be notified at least fourteen days prior to the event. In all events, there must be maintained a clear ingress/egress for all emergency vehicles.
 - j. The Fairfield County Sheriff Department must be notified at least fourteen days prior to the event. The promoter/sponsor must present a Traffic Control and Security Plan to the Fairfield County Sheriff Department. The Fairfield County Sheriff Department must approve the plan. Any cost for providing traffic control and security is the responsibility of the promoter/sponsor. The manpower required for security will be determined by the Fairfield County Sheriff's Department. This will be based on the maximum daily attendance. The event must comply all times with the approved Traffic Control and Security Plan. If security is required the event must cease operations if the security is no longer present.
 - k. Adequate sanitary facilities must be provided for the expected maximum daily attendance.
 - h. Any Motorcycle, truck, car shows and outdoor music events/festivals held on County property must sign a hold harmless agreement with the County freeing the County from any indemnity and provide proof of insurance covering the event.
 - i. The permit is for motorcycle, truck, car shows and outdoor music events/festivals only. No subsidiary shows or events such as wet T- shirt contests, etc. which are not generally considered appropriate for family viewing are allowed.
- (10) A temporary dependent care residence (manufactured home) is allowed on any lot used for single family residential purposes under the following circumstances and conditions:
- a. A permit may be issued for only one temporary dependent care residence (manufactured home);
 - b. The applicant for the permit presents a written certificate from a

licensed physician stating that, because of poor health, there is need for the direct custodial care between the occupant(s) of the principal residence on such a lot and the occupants of the manufactured home;

- c. The temporary dependent care residence (manufactured home) must meet SC DHEC requirements for water and sewer facilities (i.e. well and septic tank);
- d. The occupants of the two (2) residences are related by blood or marriage or there is a legal guardianship relationship between them;
- e. The permit for temporary dependent care residence (manufactured home) as authorized under this section shall be valid for a period of twelve months from the date of issuance, except the Building Official may renew such a permit on a twelve month basis upon presentation of a written certificate from a licensed physician stating that, because of poor health, there is need for the direct custodial care between the occupant(s) of the principal residence on such a lot and the occupants of the manufactured home;
- f. The temporary dependent care residence (manufactured home) authorized under this section shall not be subject to the density, size and/or dimensional regulations of this ordinance, but shall be subject to applicable setback requirements.
- g. The temporary residence shall be removed within 120 days of termination of the medical necessity need or non renewal of the temporary permit whichever is the earliest. The Fairfield County Planning, Building and Zoning Department shall be notified within 30 days of the termination of the medical necessity need. Failure to notify the Fairfield County Planning, Building and Zoning Department of the termination of the medical necessity need shall be considered a violation of the Zoning Ordinance, Ordinance No. 335, and be prosecuted under Section 9-7 of the Ordinance

4-19-3 Removal

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

4-19.4 Off-Street Parking

Unless specified by Table I for a specific use, a minimum of five off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

Section 4-20. Hog Farms and Feedlots, Poultry and Eggs (SIC 021/ 023/025)

The above referenced uses shall be located in accord with state regulations.

Section 4-21. Rural Business Uses

Business uses conditionally permitted in the RD, Rural Development District shall not exceed 3,000 square feet gross floor area; liquor stores shall permit no on-premises consumption; and no uncovered open storage or keeping of material not associated with the principal use shall be permitted in public view.

Section 4-22. Home Occupations

Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Table I.

- (1) The home occupation shall be carried on wholly within the principal building; attached garages may be used only for the storage of parts and materials.
- (2) The floor area dedicated to such use shall not exceed 25% of the floor area of the principal building.
- (3) No activity shall be conducted outside the residence.
- (4) No signs shall be allowed, except in conformance with the zone district

regulations within which the use is located.

- (5) No merchandise or articles shall be displayed so as to be visible from outside the building.
- (6) No person not residing in the residence shall be employed.
- (7) There is no alteration of the residential character of the building(s) and/or premises.
- (8) The occupation shall not involve the retail sale of merchandise manufactured off the premises.

Section 4-23 Mining and Extraction Operations

The purpose of these regulations is to ensure that the usefulness, productivity, and scenic values of lands and waters involved in mining within the county receive the greatest practical degree of protection and restoration, and that no mining may be carried on in the county unless plans for the mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining.

Toward these ends, county permit applications shall be accompanied by:

- (1) A reclamation and reuse plan, once mining operations are complete.
- (2) Assurances that mining operations involving blasting activities shall be located not less than a minimum distance between the nearest point of blasting and any structures not owned by the operator as of the date of the completed S.C. Land Resources mining permit application or where there is no waiver of damage. The minimum distance shall be as determined by the current weight distance formula adopted by the S.C. Fire Marshal. In no event, however, shall the minimum distance be less than 1,500 feet from the nearest point of blasting to the nearest inhabited structure.

- (3) A location map and assurances that access will be restricted to a major street or road, and not allowed on minor streets, as defined by this Ordinance.

Mining and extraction uses in existence on the date of passage of this Ordinance which are nonconforming, and any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance or any parcel for which a valid mining permit has been issued by the S.C. Land Resources Conservation Commission prior to the passage of this Ordinance, shall be exempt from these and all other requirements contained in this Ordinance.

Section 4-24. Outdoor Shooting Ranges (SIC 7999)

The unique nature of these uses is such that the following criteria shall be observed in siting such uses in Fairfield County.

- (1) No such use shall be located within 2,500 feet of any residential use (measured in a straight line).
- (2) The use shall be oriented away from habitable areas.
- (3) The site upon which the use is proposed shall be suitable in size and topography to ensure the safety of area residents.

Section 4-25. Go-Cart Racing (SIC 7999)

Because of the noise and dust from dirt tracks, no go-cart racing shall be located within 1,000 feet (measured in a straight line) from the nearest residential zone.

Section 4-26. Refuse Systems (SIC 4953)

For purposes of this Ordinance, refuse systems are divided into three broad categories. Conditions governing the location, siting, development and operation of each follow:

4-26.1 Sanitary Landfills, Incinerators, and Infectious Waste Facilities

- (1) No such use shall be located within 1,000 feet of any existing residential or outdoor recreational use (measured in a straight line).
- (2) A geotechnical engineering firm shall render a written opinion that, to their best professional judgment, the rock formations being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated (applies to landfills only).
- (3) A drainage and sedimentation plan shall accompany the request, showing all off-site run off (applies to landfills only).
- (4) The facility shall be enclosed by an opaque fence or wall structure on all sides visible from the road or street serving the facility, and a security fence on the remaining unexposed boundaries.

4-26.2 Hazardous Waste and Nuclear Waste Transfer, Storage, Treatment and/or Disposal Facilities

- (1) No such use shall be located closer than 2,500 feet (measured in a straight line) to any existing residential, recreational, religious, educational or public use, or the waters of any lake, pond, or reservoir used or scheduled to be used as a source of public drinking water, to include the waters of any lake, pond or reservoir that is connected to or flow into any other lake, pond or reservoir used or scheduled to be used as a source of public drinking water.
- (2) Such use shall be enclosed by an opaque fence or wall structure on all sides visible from any road or street, and a security fence on the remaining unexposed boundaries.
- (3) An application for such use shall be accompanied by a comprehensive environmental impact statement, prepared by an independent firm, qualified in such matters, and approved by County Council.
- (4) The application shall identify the materials to be handled and the approximate quantity to be accommodated over the life of the facility.

- (5) The applicant shall be required to comply with any and all recommendations contained in the impact statement, together with such other reasonable requirements as may be imposed by County Council to better mitigate the siting and operating of such a facility in Fairfield County.

4-26.3 Resource Recovery Facilities; Solid Waste Collection, Storage and Transfer Facilities; Waste Tire Sites; Composting Facilities; and Inert Landfills

In keeping with the goals of the State's Solid Waste Policy and Management Act of 1991: to reduce the amount of solid waste being received at public landfills and incinerators and to promote recycling of waste resources; and to promote land use compatibility in the process, the above referenced facilities, where proposed for Fairfield County, shall meet the following siting and location criteria:

- (1) No such use shall be located closer than 1,000 feet to any residence, church, school, historical place, or public park.
- (2) No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.
- (3) All materials and activities shall be screened in such fashion as not to be visible from off-site. Screening may be accomplished by any combination of fences, walls, berms or landscaping. Where plants are to be used, they shall be evergreens of sufficient size to accomplish screening at the time of installation.
- (4) All such facilities shall have direct access off a major street only.

Section 4-27. Building Construction (SIC 15), Heavy Construction (SIC 16), and Special Trade Contractors (SIC 17)

Construction uses conditionally permitted in the RD, Rural Development District shall not exceed 3,000 square feet gross floor area; maximum acreage shall not exceed

two acres; construction vehicles and equipment shall comply with Article VI, Section 6-1, Screening of this Ordinance; and no uncovered open storage or keeping of material not associated with the principal use shall be permitted in public view. The ingress and egress must be direct access to a major street only.

Section 4-28. General Merchandise (SIC 53)

General merchandise uses conditionally permitted in the RD, Rural Development District shall not exceed 3,000 square feet gross floor area; maximum acreage shall not exceed two acres; and no uncovered open storage or keeping of material not associated with the principal use shall be permitted in public view.

Section 4-29. Apparel and Accessory Store (SIC 56)

Apparel and accessory store uses conditionally permitted in the RD, Rural Development District and B-1, Limited Business District shall not exceed 3,000 square feet gross floor area.

Section 4-30. Home Furniture, Furnishings and Equipment Store (SIC 57)

Home furniture, furnishings and equipment store uses conditionally permitted in the RD, Rural Development District shall not exceed 3,000 square feet gross floor area; and no uncovered open storage or keeping of material not associated with the principal use shall be permitted in public view.

Section 4-31. Rooming and Boarding Houses (SIC 702/704)

Rooming and boarding houses uses conditionally permitted in the RD, Rural Development District, R-1, Single Family Residential District, R-2, Inclusive Residential District, and B-1, Limited Business District shall not increase the number of guest rooms above the number of bedrooms in the original structure.

Section 4-32. Membership organizations, i.e. religious, fraternal, professional, political, civic, business (SIC 86)

Membership organizations, i.e. religious, fraternal, professional, political, civic, business uses conditionally permitted in the RD, Rural Development District shall not

exceed 3,000 square feet gross floor area; maximum acreage shall not exceed two acres; and no uncovered open storage or keeping of material not associated with the principal use shall be permitted in public view.

ARTICLE V

SIGN REGULATIONS

Section 5-1. Purpose

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication and advertising.

Section 5-2. Applicability and Conformance

This Article regulates the number, size, placement and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected or enlarged unless it conforms to the requirements of this Article.

Section 5-3. Signs on Private Property

Signs shall be allowed on private property in accord with Table V. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "A" in Table V shall be allowed only if in compliance with the conditional requirements of Table VI.

Section 5-4. Common Signage Plan Required

A Common Signage Plan shall be prerequisite to the issuance of any sign permit involving:

- (1) Two or more contiguous lots or parcels under the same ownership, and
- (2) A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign.

The Plan shall contain all information required for sign permits generally (Section 9-2.4) and shall specify standards for consistency among all signs on the lot or parcel affected by the Plan with regard to:

- Lettering or graphic style;
- Lighting;
- Location of each sign on the buildings;
- Material; and
- Sign proportions.

The Common Signage Plan, for all lots in zoning districts other than B-2 and I-1 with multiple uses or buildings, shall limit the number of free-standing signs to a total of one for each street on which the lots included in the Plan have frontage and shall provide for shared or common usage of such signs; however the maximum sign area for the lot may be increased by 25%. The Common Signage Plan for lots in the B-2 and I-1 zones shall limit the number of free-standing signs in proportion to the amount of street frontage in keeping with Table VI.

Once approved by the Building Official, the Common Signage Plan shall become binding on all business and uses occupying the affected zone lots, but may be amended by filing a new or revised Plan that conforms with all requirements of this Ordinance.

If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within eighteen (18) months, all signs not conforming to the proposed amended Plan or to the requirements of this Ordinance in effect on the date of submission.

Section 5-5. Signs In The Public Right-Of-Way

No sign shall be allowed in the public right-of-way, except for the following and in accordance with State Law:

- (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- (2) Bus stop signs erected by a public transit company; and bench and bus shelter signs in association therewith;
- (3) Informational signs of a public agency or utility regarding its facilities;
- (4) Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions established by this Section;
- (5) Emergency signs; and
- (6) Directional signs of a temporary nature for such events as yard sales, auctions, public gatherings, etc. may be erected 48 hours before the event and shall be removed within 48 hours after the event, which event may extend over a 72-hour period.
- (7) Church signs in state right-of-way in accord with state law.

5-5.1 Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the county shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal.

Section 5-6. Temporary Signs

5-6.1 The following conditions shall apply to all temporary signs:

- (1) No such sign, with or without a permit, shall be displayed for a period exceeding 60 days nor again be displayed on the same establishment for 30 days after removal, except that "for sale", "for rent", "for lease" and contractor's signs may be displayed until completion of purpose for which such signs were established. Temporary Sign Permits for uses included in the INS column on Table V may not exceed 14 days duration, and must be removed within 24 hours after the event has concluded.
- (2) Posters shall not exceed six square feet in area.
- (3) Portable signs, where permitted by Table V, shall be limited to one per establishment, shall have no flashing lights, shall not exceed 20 square feet in area, and shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord). Portable signs shall be anchored in accord with the Standard Building Code.

Section 5-7. Prohibited Signs

All signs not expressly permitted under this ordinance are prohibited. Such signs include, but are not limited to:

- (1) Signs painted on or attached to trees, fence posts, telephone or other utility poles, rocks or other natural features.
- (2) Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorists.
- (3) Abandoned signs. A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available.
- (4) Dilapidated signs. Any sign which is not properly maintained, insecure or otherwise structurally unsound, has defective parts

in the support, guys and/or anchors or which is unable to withstand wind pressure as determined by the Building Official, and applicable regulations as provided in the Standard Building Code.

Section 5-8. Development Standards

All signs allowed by this Article shall comply with the development standards of this Section.

5-8.1 Visual Area Clearance

No sign shall be located within a vision clearance area as defined in Section 8-6.

5-8.2 Vehicle Area Clearance

When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

5-8.3 Pedestrian Area Clearance

When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 10 feet above the ground.

5-8.4 Sign Materials; Code Compliance

Signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, consist of durable all-weather materials, maintained in good condition and not permitted to fall in disrepair.

5-8.5 Sign Illumination

Signs when illuminated shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or

sidewalks.

No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

5-8.6 Structural Design

A signed and sealed report from a structural engineer registered in South Carolina showing the structural design of the sign is designed to withstand winds in accordance SECTION 1609, WIND LOADS of the International Building Code (latest revision) must be submitted with the application for a sign permit. Also the report must contain a certification that in case of collapse and/or failure of the sign that it will not impact any public right-of-way.

Section 5-9. Sign Measurement

5-9.1 Sign Face Area

- (1) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, free-standing sign is counted.
- (2) For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.
- (3) For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (Illustration 2).
- (4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign

face (Illustration 3).

- (5) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
- (6) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

5-9.2 Clearances

Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

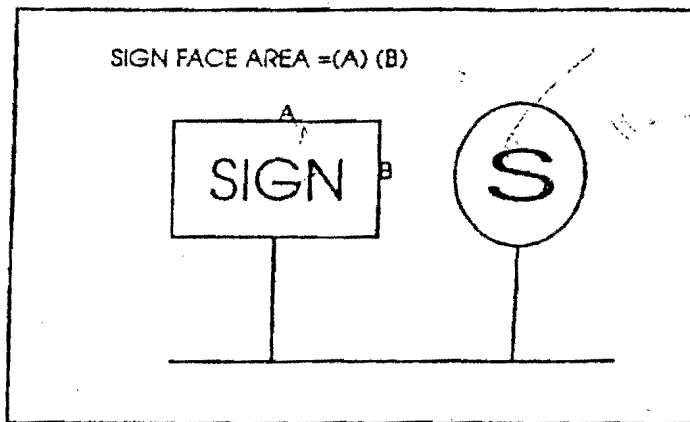
Section 5-10. Removal of Signs

- (1) The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned or dilapidated, which shall be removed or remedial action taken upon notification by the Building Official.
- (2) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- (3) Any nonconforming temporary sign which is not permanently mounted shall be removed or brought into conformity no later than 60 days following the effective date of this Ordinance.
- (4) An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within

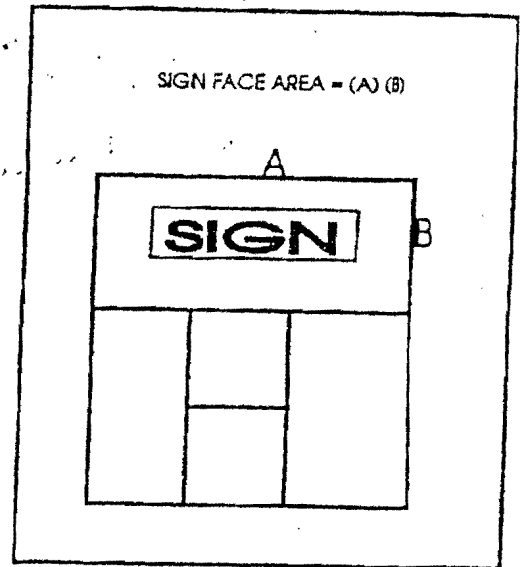
five (5) days time. Upon failure to comply with such notice, the Building Official may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

SIGN FACE MEASUREMENT ILLUSTRATIONS

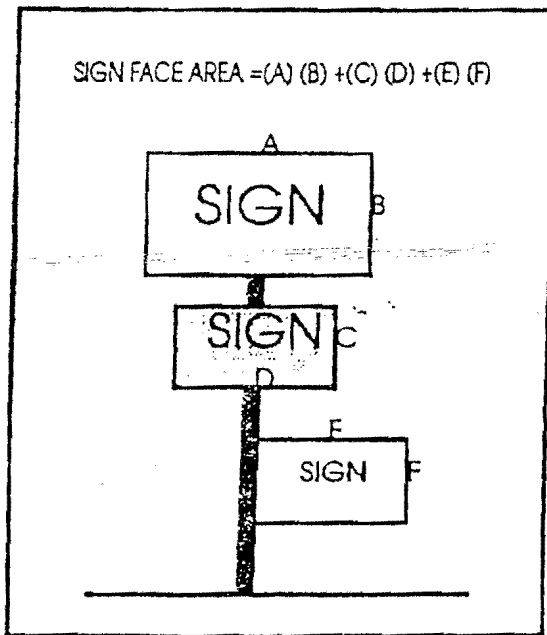
1.



2.



3.



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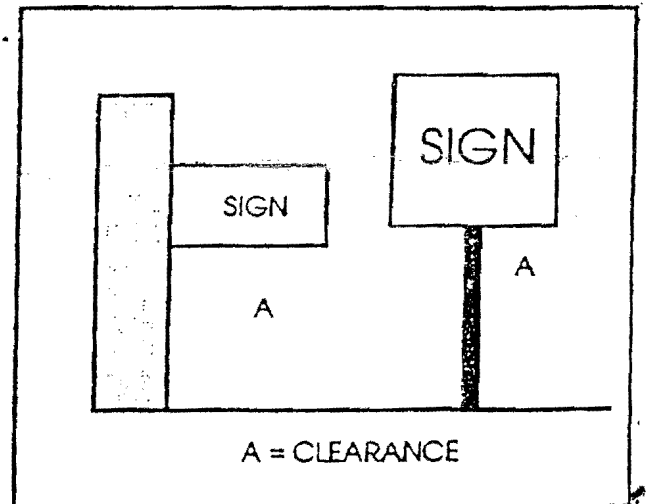


TABLE V

REGULATION OF SIGNS BY TYPE, CHARACTERISTICS AND ZONING DISTRICTS

SIGN TYPE	R-1	R-2	INS(3)	B-1	B-2	I-1	RD
PERMANENT							
Freestanding							
Principal	N(1)	N(1)	P	P	P	P	P
Incidental	N	A	A	A	A	A	A
Building							
Canopy	N	N	N	P	P	P	P
Identification	A	A	A	A	A	A	A
Incidental	N	A	A	A	A	A	A
Marquee	N	N	N	N	P	P	N
Projecting	N	N	N	N	P	P	N
Roof	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	N
Wall	N	N	N	P	P	P	P
Window	N	N	N	A	A	A	A
TEMPORARY (2)							
Banners	N	N	A	A	A	A	A
Posters	A	A	A	A	A	A	A
Portable	N	N	N	N	P	N	P
Inflatable	N	N	N	N	P	N	N
Pennants	N	N	N	N	P	N	N
SIGN CHARACTERISTICS							
Animated	N	N	N	N	N	N	N
Changeable Copy	N	N	A	A	A	A	A
Illumination Indirect	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A
Illumination, Exposed bulbs	N	N	N	N	N	N	N

(1) Signs identifying or announcing land subdivisions or residential projects shall be allowed by permit only, in accord with the requirements of Table I and Section 5-4; (2) See Section 5-6; (3) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e. churches, schools, parks, etc., and includes historical markers.

TABLE VI

NUMBER, DIMENSION AND LOCATION OF PERMITTED SIGNS, BY ZONING DISTRICT

	<u>R-1(a)</u>	<u>R2 (a)</u>	<u>INS(b)</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>RD</u>
FREESTANDING SIGNS							
Number Permitted:							
Per Lot	NA	NA	1	1	NA	NA	1
Per feet of St. Frontage (d)	NA	NA	NA	NA	1:200	1:300	NA
Maximum Sign Area (sq. ft.)	NA	NA	20	36	1 sq. ft. per 2 ft. street (c) frontage	1 sq. ft. per 3 ft. street (c) frontage	20
Minimum Setback from Property Line	NA	NA	10'	10' (f)	10' (f)	10' (f)	10' (f)
Maximum Height	NA	NA	12'	24'	(e)	(e)	24'
BUILDING SIGNS							
Number Permitted	1	1	1	NA	NA	NA	NA
Maximum Sign Area (sq. ft.)	2	6	10	NA	NA	NA	NA
Maximum Wall Area (%)	NA	NA	NA	15%	25%	25%	15%

TEMPORARY SIGNS

See Section 5-6

a) Subdivision identification and residential project signs, not to exceed 20 square feet in area are permitted in these districts, provided they meet the requirements for a Common Signage Plan, in accord with Section 5-4.

b) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the zoning ordinance in residential zoning districts, i.e. churches, schools, parks, etc.

c) Not to exceed 300 square feet.

d) Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

e) Maximum height of signs shall be 24' except for those visible from and oriented to I-77, which shall be allowed to a height of 100 feet.

f) See Section 5-8.6 Structural Design for certification requirement that in case of collapse or failure of the sign that it will not impact any public right-of-way.

ARTICLE VI

SCREENING, LANDSCAPING AND COMMON OPEN SPACE REGULATIONS

The regulations contained in this Article are intended generally to improve aesthetics and ensure adequate provision of open space in high density housing projects.

Section 6-1. Screening

6-1.1 Definition. Screening is designed to block or obscure a particular element or use from view.

6-1.2 Purpose. The purpose of screening is to minimize or eliminate the visual impact of open storage areas and refuse disposal facilities.

6-1.3 Where Required. Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar unenclosed uses.

6-1.4 Type Screening Required. Screening shall be accomplished by an opaque divide not less than eight (8) feet high. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Building Official.

Section 6-2. Landscaping

6-2.1 Definition. Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

6-2.2 Purpose. The purpose of landscaping is to improve the appearance of 1

vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

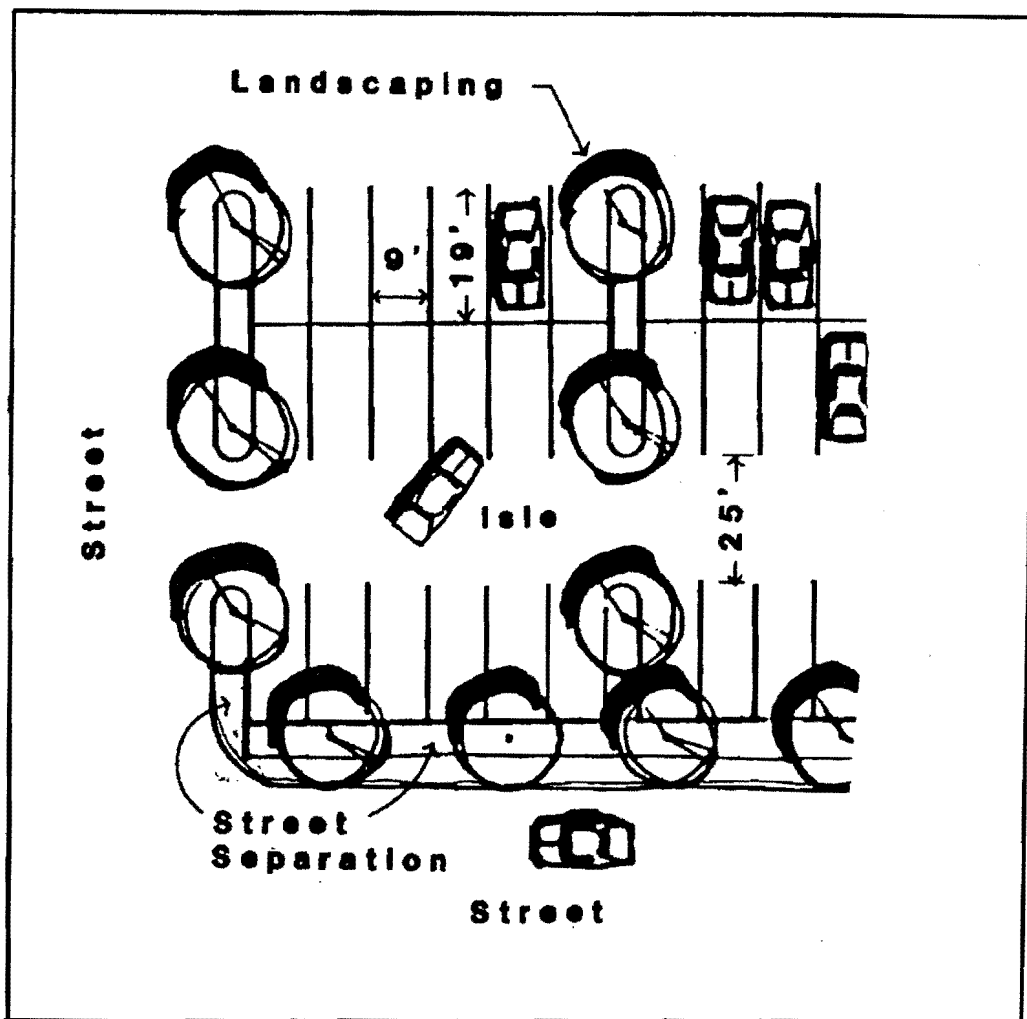
6-2.3 Where Required. No proposed commercial, institutional, industrial or other non-residential use shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargement involving less than 50 percent shall meet the minimum requirements for the enlargement only.

6-2.4 Landscaping Plan. A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

6-2.5 Landscaping Requirements. Required landscaping shall be provided as follows:

- (1) **Along the entire front** of the lot or parcel (except driveways) separating the use of the lot from the street, to a depth of five (5) feet.
- (2) **Within the interior**, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be not less than 5' x 5' and located in such a manner as to divide and break up the expanse of paving and at strategic points, but not less than one canopy tree per 10 parking spaces, to guide travel flow and directions. Elsewhere, landscaped areas



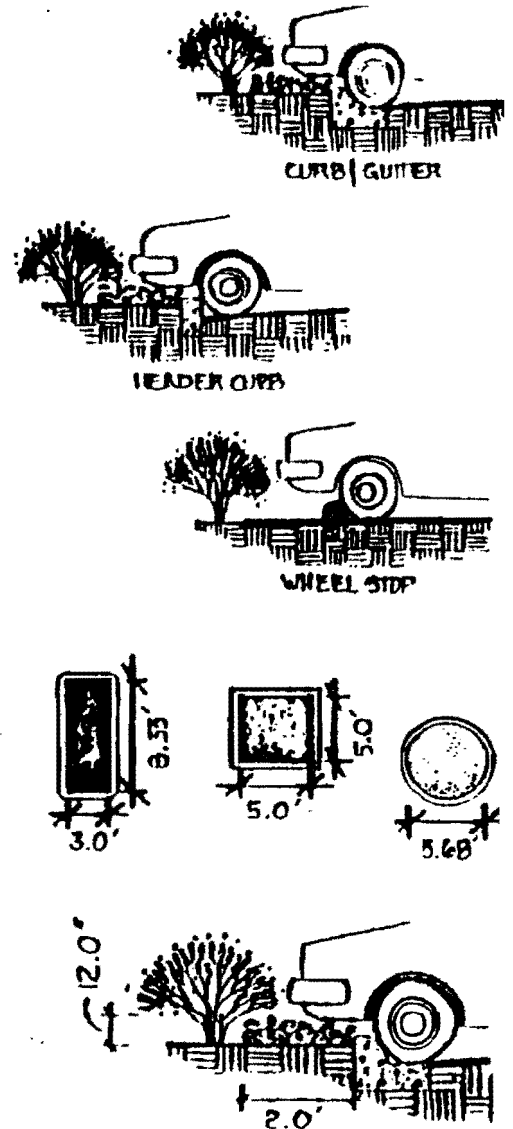
shall be designed to soften and complement the building site.

At a minimum, interior lot landscaping shall be provided in the following amounts:

<u>Use</u>	<u>% of Lot</u>
Institutional	15%
Industrial/wholesale/storage	10
Office	10
Commercial-retail-service	5

6-2.6 Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.
- (3) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two feet of the curb or other protective barrier. (Plant material greater than 12 inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped areas.)



6-2.7 Required Maintenance. The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be

properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 6-3. Common Open Space

6-3.1 Definition. Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

6-3.2 Purpose. The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

6-3.3 Where Required. The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

<u>Proposed Uses/Projects</u>	<u>Common Open Space Ratio (% Lot)</u>
Cluster Developments	15%
Townhouse Projects	15
Mobile/Manufactured Home Parks	15
Multi-family Projects	20

(1) **New Sites:** No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

- (2) **Existing Sites:** Expansion or enlargement of an existing building or structure of 50 percent or more shall meet in full the minimum common open space requirements of this section for the entire site. Expansion or enlargement involving less than 50 percent shall meet the minimum requirements for the enlargement only.

6-3.4 Common Open Space Plan. Proposed uses/projects set forth in 6-3.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- (2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- (3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

6-3.5 Types of Common Open Space and Required Maintenance. The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- (1) **Natural areas** are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- (2) **Recreational areas** are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no

hazards, nuisances, or unhealthy conditions.

- (3) **Greenways** are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
- (4) **Landscaped areas, and lawns**, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

6-3.6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- (1) Dedication of and acceptance by the county.
- (2) Common ownership of the open space by a home-owner's association which assumes full responsibility for its maintenance.
- (3) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the county may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those

persons having the primary responsibility for maintenance of the open space.

ARTICLE VII

SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Table I of this Ordinance.

Section 7-1. Off-Street Parking

7-1.1 General Requirements

- (1) Where application of the requirements of Table I results in a fractional space requirement, the next larger requirement shall apply.
- (2) Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (3) Off-street parking facilities provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.

7-1.2 Land To Provide Parking

Required off-street parking must be provided on the same lot or parcel or within 200 feet of the principal use for which it is required.

7-1.3 Design Standards

Where off-street parking for more than ten (10) or more vehicles is required, the following design and development standards shall apply:

(1) Parking Dimensions

Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

90 degree parking	25 feet
60 degree parking	18 feet
45 degree parking	13 feet

(2) Construction, Paving

Expansive impervious surface parking lots shall be avoided. Instead parking lots shall be broken down into sections as appropriate for the type and size of the development, and shall be separated by landscaped dividing strips, berms and similar devices. Paving may consist of asphalt, crushed stone, gravel or other material approved by the Building Official. Parking lot construction shall be designed to minimize off-site storm water run off.

(3) Drainage

Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the Building Official may exempt the developer from this requirement, provided that adequate provision is made for drainage.

(4) Separation From Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Building Official.

(5) Entrances and Exits

Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement on to a public street is in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least forty (40) feet, measured along the curblines, from the intersection of the nearest curblines.

(6) Marking

Parking lots shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers, as approved by the Building Official, shall be used as necessary to ensure efficient traffic operation of the lot.

(7) Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be shielded so as to prevent misdirectional or excessive artificial light, light trespass, and/or unnecessary sky glow.

(8) Landscaping

Off-street parking areas shall be landscaped in accord with the provisions of Section 6-2.

7-1.4 Maintenance

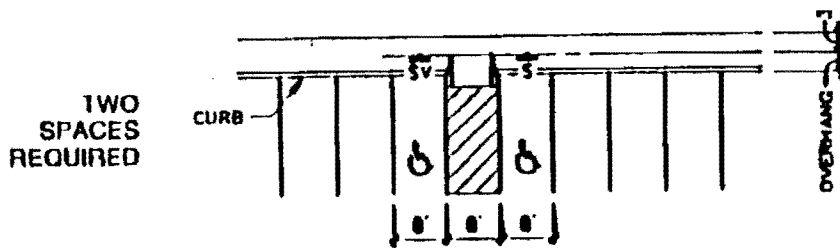
All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

7-1.5 Parking Space For The Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

<u>Number of Required Spaces</u>	<u>Number of Spaces Reserved For Handicapped Persons</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total required

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access isle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.



7-1.6 Joint Use of Off-Street Parking Lots

Up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that written agreement thereto is properly executed and filed as specified below.

Where such spaces are proposed to be collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the County Attorney and shall be filed with the application for a Building Permit.

Section 7-2. Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or private street.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

Section 7-3. Approval of Parking and Off-Street Loading Plans and Layouts

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Building Official, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion problems, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

ARTICLE VIII

GENERAL PROVISIONS AND REGULATIONS

The regulations contained in this Article are intended to clarify, supplement or modify the regulations set forth elsewhere in this Ordinance.

Section 8-1. Street Access

8-1.1. General

Each principal building shall be located on a lot or parcel having direct vehicular and pedestrian access to a publicly dedicated or publicly maintained street; or approved private street.

8-1.2. Flag Lots

Flag Lots - Flag lots shall only be permitted in those locations where because of geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming lots adjoining the flag lot (see examples on following pages).

- (1) Flag lots in RD (Rural Development) and residential subdivisions shall meet the following standards:

- (1) Single flag lots shall have twenty feet (20') of frontage on a publicly dedicated street. In the case of two contiguous flag lots, there shall be thirty feet (30') of frontage on a publicly dedicated street with a common driveway. With two contiguous flag lots, a deeded 15 foot (15') strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street.

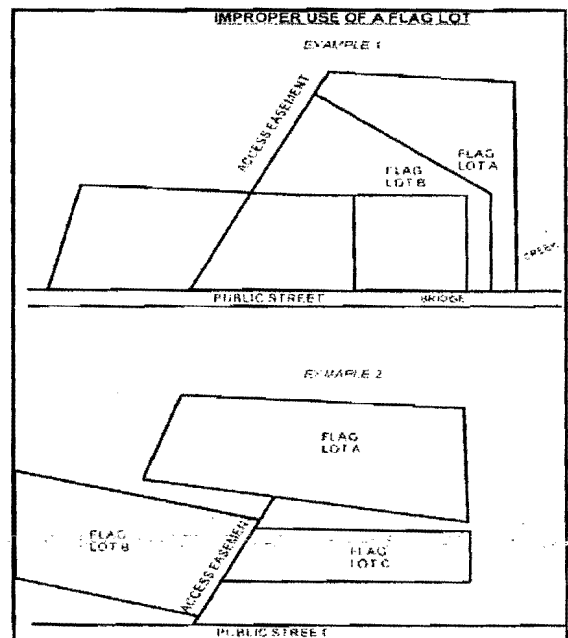
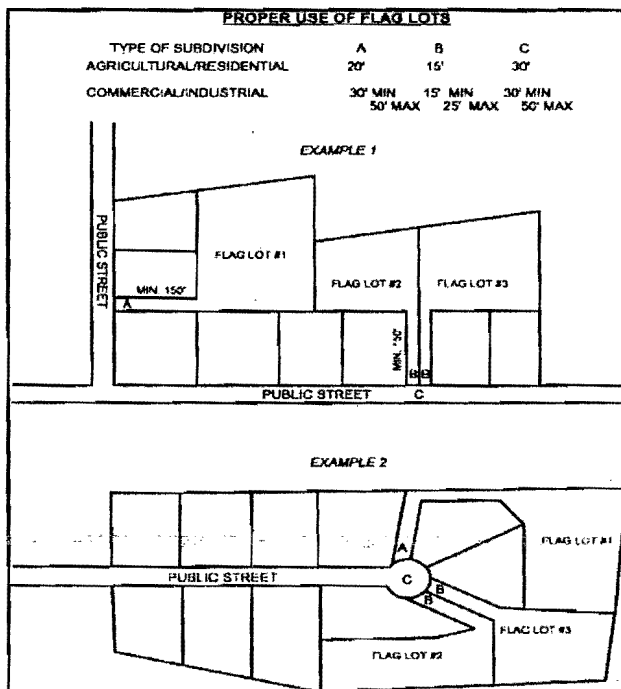
(2) Flag lots in commercial and industrial subdivisions shall meet the following standards:

- (1) Flag lots shall have a minimum of thirty feet (30') of frontage and a maximum of fifty (50') of frontage on a publicly dedicated street.
- (2) In the case of two contiguous flag lots, there shall be a minimum of thirty feet (30') of frontage and a maximum of fifty feet (50') of frontage, for both lots combined, on a publicly dedicated street with a common driveway.
- (3) With two contiguous flag lots, a deeded strip of land that is at least 15 feet (15') wide, but not greater than twenty five feet (25') in width, is required for each lot with a common unobstructed access easement for a shared driveway to the public street.

(3) All flag lots shall meet the following standards:

- (1) Flag lots shall have a panhandle for a minimum distance of 150 feet from a publicly dedicated street.
- (2) In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street.
- (3) The maximum number of flag lots permitted for each phase of a subdivision (Improvement Plan submittal) shall not exceed 15%.
- (4) A driveway must be located within the panhandle of the deeded property for a flag lot. Also, the driveway for a flag lot shall be located at a minimum of five (5) feet from each lot line, unless approved by the Planning Commission. For two contiguous flag lots with a common driveway, a joint access easement shall be shown across the entire width of both panhandles containing the common driveway on the Final Plat.

- (5) The non flag portion of a flag lot shall be subject to the lot width/depth requirement for non flag lots The flag pole or panhandle portion of the lot shall not be included in calculating lot size.
- (6) Approved flag lots may not be further subdivide.
- (7) Flag lots may have only one residential unit per lot regardless of size of flag lot.



Section 8-2. Yard and Setback Modifications

8-2.1 Setbacks on Corner Lots

Where a side yard abuts a street, the minimum side yard requirements along the street shall be not less than the minimum front yard setback required by Table II for the district in which the lot is located.

8-2.2 Front Yard Setbacks From Streets

The front yard (street) setback requirements of this Ordinance shall not apply on any lot where the average setback of existing buildings located wholly or in part within two hundred (200) feet on each side of such lot within the same block and fronting on the same side of the street is less than the minimum required setback.

In such cases the average alignment of the existing buildings shall be the minimum setback line. For the purpose of this Ordinance, the frontage along the side line of a corner lot is excluded.

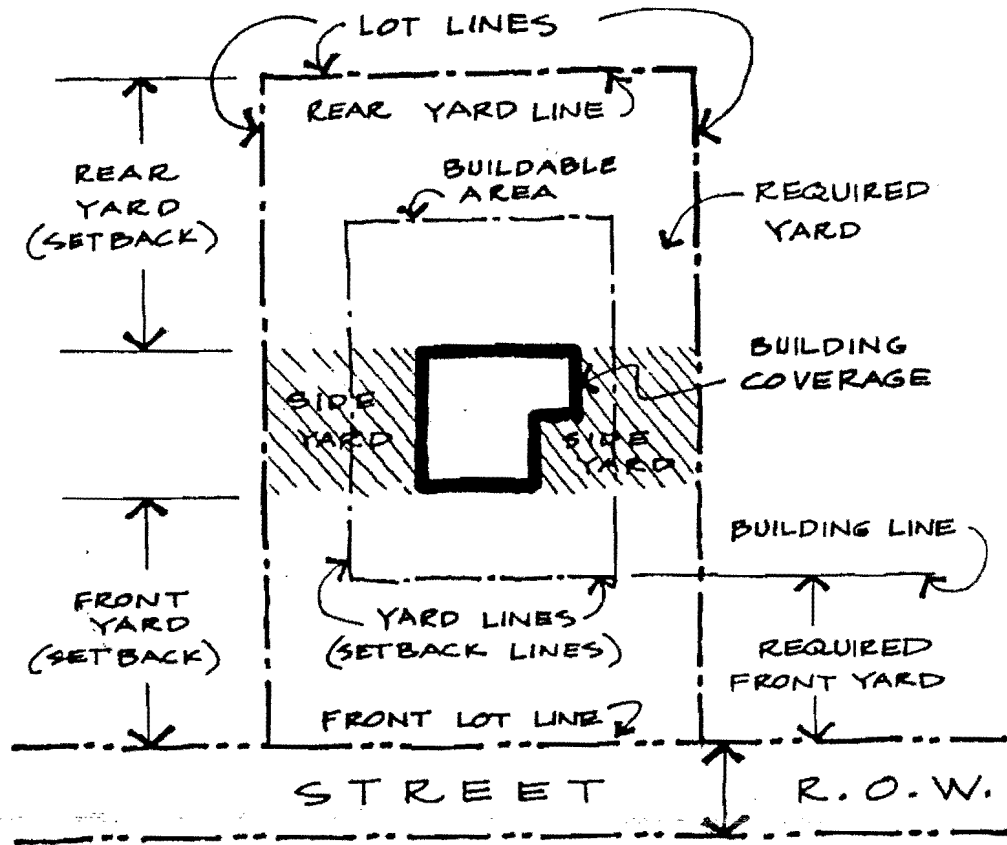
8-2.3 Setbacks From Railroads

Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the Zoning Ordinance.

Section 8-3. Yard Measurements - Buildable Area

The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side or rear lot shall be known as the **buildable area** within which the approved structure(s) shall be placed.

YARDS AND SETBACKS



Section 8-4. Structures and Projections Into Required Yards and Setback Areas

Every building or structure hereafter erected or established shall be located within the buildable area as defined by this Ordinance, and in no case shall such buildings extend beyond the buildable area into the respective front, side, rear yards or other setbacks required for the district in which the lot is located, except

for the following:

- (1) Ornaments, eaves, chimneys, cornices, window sills, awnings and canopies, which may project into any required yard a distance not to exceed three (3) feet.
- (2) Accessory uses, as specified by Section 8-7.
- (3) Fences, walls, and hedges, provided that no such structure or hedge shall impede visibility as required by Section 8-6.

Section 8-5. Exceptions To Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, utility poles, chimneys, conveyors, flag poles, masts, or roof mounted mechanical equipment or communication towers and antennas; provided, however, that communication towers/antennas and water towers shall be separated from any adjoining residential property line in the R-1, R-2 and the RD Zoning Districts by a distance equal to one foot for each one foot in height, measured from the nearest residential property line.

Section 8-6. Visibility At Intersections

Visibility at railroad and street intersections shall be unobstructed. No planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed after the effective date of this Ordinance, in such a manner as to obstruct visibility at intersections. No structure or planting shall be permitted at any point between a height of two and a half (2-1/2) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street or railway right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.

Section 8-7. Accessory Buildings and Uses

8-7.1 Accessory Uses To Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard and other requirements applicable to the principal building or use for the district within which they are located.

Section 8-7.2 General Requirements

- (1) The number of accessory buildings shall not exceed two on any lot or parcel in the R-1, R-2 or B-1 District. No maximum on the number of accessory buildings or uses in other districts.
- (2) Accessory buildings in residential districts shall not be used for storage in connection with a trade.
- (3) Non-farm accessory buildings shall not exceed 50 percent of the Gross Floor Area (GFA) of the principal building or use in the R-1, R-2 or B-1 Districts.
- (4) The use of mobile homes as accessory buildings shall not be permitted in any zone district.

8-7.3 Location

Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated; and are permitted within required yards and setback areas under the following conditions:

- (1) Accessory buildings and uses are permitted in required yards and setback areas in the B-2, RD and I-1 Districts; provided such uses are located no closer than five (5) feet to any property line, and otherwise comply with the regulations for accessory uses in said districts.

- (2) Accessory buildings and uses in the R-1, R-2, and B-1 Districts are permitted within required yards and setback areas; provided no such uses shall be closer than five (5) feet to a property line, and where indicated shall meet the following conditions.

ACCESSORY USE

CONDITIONS

Off-Street Parking

Not more than four off-street parking spaces shall be allowed in any required front yard.

Accessory buildings, including garages, carports, domestic kennels, storage sheds, satellite dishes, ham radio ground supported TV antennas, etc.

Are permitted in required rear and side yards only, and if located in the buildable area shall not extend or be located in front of any principal building.

Swimming pools, tennis courts, recreational uses

Are permitted in all required yards; provided said uses shall be no closer than 10 feet to the nearest residential property line, and shall have all lighting shielded or directed away from adjoining residences.

Section 8-8. Use of Land or Structures

8-8.1 Conformity With Regulations

No land or structure shall be used or occupied, and no structure or portions thereof shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations specified for the district in which it is located.

No structure shall be erected or altered:

- (1) with greater height, size, bulk, or other dimensions,
- (2) to accommodate or house a greater number of families,

- (3) to occupy a greater percentage of lot area,
- (4) to have narrower or smaller rear yards, front yards, side yards or other open spaces, than required by this Ordinance, or in any other manner contrary to the provisions of this Ordinance.

8-8.2 Number of Principal Buildings Per Lot

(1) Residential Buildings (Dwellings)

ZONING DISTRICTS	R-1	R-2	B-1	B-2	RD
Single-Family detached dwelling	2	2	2	2	6
Manufactured dwelling (not in a Park)	2	2	NA	NA	3
Patio homes	1	1	NA	1	NA
Townhouses	NA	1	NA	1	NA
All other dwellings are based on density - see Table II					

(2) Non- Residential Buildings

There is no limit on the number of buildings or structures for non-residential uses; provided all other applicable requirements of this Ordinance are met.

8-8.3 Minimum Requirements Established

The minimum lot area, yards, and open space required by these regulations for each lot, parcel or building existing at the time of the passage of this Ordinance shall not be encroached upon or reduced, or considered as required yards or open space for any other building. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance for the district in which they are created.

The County Council may approve a subdivision of a lot in RD (Rural Development) zoned district into less than that which is required by Table II as

a Family Exemption under the following conditions:

- (1) The purpose of the subdivision is for the purpose of deeding the lot to an immediate family member to place their residence there.
- (2) An immediate family member is defined as parents, sons, daughters, brothers, sisters, grandparents and grandchildren.
- (3) The lot so divided must meet SC DHEC requirements for water and sewer facilities (i.e. well and septic tank) or have public water and public sewer facilities available for use.
- (4) The County Council shall approve the Family Exemption in a public hearing. The Notice of Public Hearing and Posting of Property shall be as required in Section 10-3.1 and Section 10-3.2.

Section 8-9. Nonconformities

8-9.1 Existing Nonconforming Lots Of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that all applicable setback requirements are not reduced below the minimum specified in this Ordinance by more than 40%. Dimensional (setback) reductions greater than 40% shall be referred to the Board of Zoning Appeals for consideration, observing normal review procedures. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

8-9.2 Existing Nonconforming Uses, Buildings, and Structures

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued even though such structure does not conform with the provisions of this Ordinance, except that said nonconforming use, building, structure or portions thereof shall not be:

- (1) **Changed to another nonconforming use** which would not otherwise be permitted in the same zoning district in which the existing nonconforming use is permitted.
- (2) **Repaired, rebuilt, or altered after damage** in such a way as to increase the nonconformity of side, rear or front yard setbacks or other applicable requirements or reduce the amount of off-street parking below the amount provided prior to such damage.
- (3) **Enlarged or extended by more than 10% of the gross floor area.** Where such enlargement is proposed, it shall be allowed only if all applicable setbacks, and off-street parking requirements are met.
- (4) **Reestablished, reoccupied or replaced** after discontinuance of use or physical removal or relocation of the use or structure from its original location for a period of 120 days, except that:
 - (a) **non-conforming mobile homes and/or manufactured homes** on individual lots, once removed shall not be replaced by another mobile home, but may be replaced by a manufactured home, provided such manufactured home is in compliance with all applicable requirements of Section 4-2, and shall not encroach beyond the existing footprint into required setback areas.
 - (b) **nonconforming mobile homes within mobile home parks** may be replaced by manufactured homes; provided such replacement is in compliance with Sections 4-2.1 and 4-2.3.
 - (c) **nonconforming buildings** structurally designed for commercial or other non-residential uses may be renovated and reoccupied provided that:

1. All off-street parking requirements associated with the new occupant (use) shall be met on site,
 2. The reoccupied use shall be permitted in the B-1 Zone District, and
 3. There is no encroachment into existing side, rear or front yard setback.
- (4) **listing or posting** of a property for sale or lease shall not be deemed a discontinuance of use if the property is identified as being sold for that nonconforming use.
- (5) **a nonconforming buildings or structure** that has burned down has a period of 365 days to be reestablished, reoccupied, or replaced. All nonconforming buildings that has burned down must be cleaned up and all debris removed within 365 days.
- (6) **obtaining a building permit** to reestablish, reoccupy, or replace the nonconforming building or structure within the required time period shall be proof that the nonconforming use, building or structure is continued.
- (5) **Scrap waste and waste material facilities including salvage yards and junkyards** that are existing as of the time of the adoption of this Ordinance must comply with the screening requirements of Section 4-12(5) within one year of adoption of this amendment.

Section 8-10. Parking, Storage or Use of Campers or Recreational Vehicles in Residential Zones

No recreational vehicle or boat in excess of 17 feet shall be parked or stored in any required front or side yard setback area in a residential district (R-1 and R-2); except that any recreational vehicle or boat may be parked in any required front or side yard setback on a residential premise for a period not to exceed twenty-four (24) hours during loading or unloading. Any recreational vehicle or boat may be parked or stored anywhere on the property that is not a required

front or side yard setback area.

A recreational vehicle may be used for temporary lodging in a residential district (R-1 and R-2) for no more than thirty (30) days in any one calendar year. Except that in residential districts adjoining Lake Wateree and Lake Monticello, a recreational vehicle may be used for temporary lodging for no more than fifteen (15) continuous days in any one calendar year but no more than sixty (60) days in any one calendar year.

There is no limit on the number of days that a recreational vehicle may be used for temporary lodging in RD district.

Any recreational vehicle used for temporary lodging regardless of the zoned district it is located in must meet all requirements of South Carolina Department of Health and Environmental Control Regulation 61-56, Individual Waste Disposal Systems, Section IIIA.

Section 8-11. Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Zones

- (1) No automobile, truck or trailer of any kind or type, without current license plates, shall be parked, and construction equipment shall not be stored on any lot zoned for residential use, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property.
- (2) Parking of vehicles, implements and/or equipment used for commercial, industrial, farm or construction purposes in the R-1 and R-2 Districts shall be limited to one vehicle per residence, with a capacity no greater than 2 tons.
- (3) Vehicles with capacity greater than 2 tons and used for commercial, industrial, farm or construction purposes are prohibited from parking in the above referenced Zoning Districts, including the street/highway right-of-way in such districts, when not actively involved in commerce.

Section 8-11. Maintenance of Lots

All lots in R-1 and R-2 zoned areas must be maintained so as to prevent grass, weeds or undergrowth to exceed twelve (12) inches in height. Areas in R-1 and R-2 zoned areas exempt from this are those areas adjacent to Lake Wateree and Lake Monticello. Also all property zoned R-1 and R-2 which have legally nonconforming agricultural uses are also exempt.

ARTICLE IX

ADMINISTRATIVE PROCEDURES AND ENFORCEMENT REGULATIONS

Section 9-1. Administration and Enforcement

The Building Official is hereby designated and duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Building Official shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

If the Building Official shall find that any one of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 9-2. Administrative Procedures and Requirements

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required permits have been issued.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this Ordinance.

No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance as provided by this Article.

The provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

9-2.1 Filing Applications

Applications for permits shall be signed by the owner or his/her designee and shall be filed on forms provided by the Building Official.

9-2.2 Application Requirements for a Grading (Land Disturbing) Permit

Requirements for a grading permit are contained in the South Carolina Stormwater Management and Sediment Reduction Regulations hereby adopted by reference.

9-2.3 Application Requirements for a Building Permit

Each application for a permit for a building or structure other than a sign shall be accompanied by two (2) sets of the following or as much thereof as the Building Official shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this Ordinance:

- (1) A plat and/or Site Plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height and location on the lot of existing and proposed buildings and structures; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; flood and wetland areas; proposed parking; building elevations and such other information with regard to the lot and contiguous land uses
as
required to determine compliance with and provide for the enforcement of this Ordinance.

To satisfy the requirements of Article VI, the Site Plan shall in

addition to the above, be drawn at a scale not less than one inch equals one hundred feet and shall show:

- (a) All proposed landscaping and watering systems required by Article VI, with all plant species labeled and scaled to indicate location and spread at time of installation;
- (b) A table of planting materials stating species, number, and size at planting for all plants.

9-2.4 Application Requirements For a Sign Permit

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- (1) Common signage plan, where applicable, in accord with the requirements of Section 5-4.
- (2) Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address.
- (3) Name and address of the owner of the sign.
- (4) Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, and existing free-standing signs.
- (5) Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected, including the size of letters and graphics.
- (6) Description of sign and frame materials and colors.
- (7) Anchorage details.
- (8) The value of the sign and sign structure.

- (9) The Building Official may waive any of the informational requirements listed above deemed unnecessary to process an application.
- (10) For signs exceeding thirty-six (36) square feet in area, the applicant shall include a drawing by a registered South Carolina engineer or architect and a written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity of its location, that the sign is in compliance with all building or other construction codes and the requirements of this Ordinance.

Section 9-3. Inspections for Compliance

The Building Official may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats and/or plans.

Section 9-4. Certificate of Zoning Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a **Certificate of Zoning Compliance** shall have been issued therefor by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance, including the installation of plant materials and landscaping requirements of Article VI.

No nonconforming structure or use shall be maintained, renewed, changed or extended until a Certificate of Zoning Compliance shall have been issued by the Building Official. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for Certificates of Zoning Compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in

conformance at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary Certificate of Zoning Compliance may be issued by the Building Official prior to completion of all required improvements including landscaping, for a period not exceeding six (6) months; provided that assurances for the completion of all required work, including the installation of required landscaping are acceptable to and approved by the Building Official.

The Building Official shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance, and punishable under Section 9-7 of this Ordinance.

Section 9-5. Expiration of Building Permit

If the work described in any Building Permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Official; and written notice thereof shall be given to the persons affected.

Section 9-6. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Building Official shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 9-7. Penalties For Violation

Any persons violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the Court for each

offense.

Where any building, structure or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land is or is proposed to be used in violation of this Ordinance, the Building Official or other appropriate administrative officer, may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.

A Notice of Violation and/or Stop Work Order shall not be stayed from legal proceedings by application for a rezone. A Notice of Violation and/or Stop Work may only be stayed as allowed under Section 9-9.2 **Appeals to the Board of Zoning Appeals; Hearings and Notices** of this Article where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Ordinance or there is an appeal for variance where it is alleged that owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship.

Section 9-8. Right of Appeal

Any decision or determination by the Building Official or other administrative official may be appealed to the Board of Zoning Appeals.

Section 9-9. Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members, who shall be citizens of the county, and shall be appointed by County Council for overlapping terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and any member may be removed by the County Council for

cause, after a public hearing. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board.

9-9.1 Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall elect a Chairman and a Vice-Chairman from its members, who shall serve for one year, or until reelected. The Board shall appoint a Secretary, who may be a county officer or a member of the Board of Zoning Appeals. The Board shall adopt rules and by laws in accordance with Section 6-29-790 of the South Carolina Code of Laws. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. A quorum shall be required to take any official action by the Board. Three members present shall constitute a quorum.

9-9.2 Appeals to the Board of Zoning Appeals; Hearings and Notices

Appeals to the Board shall be taken within 30 days of the date of the action which is appealed, by filing notice of appeal with the Building Official, who shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Building Official and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days public notice thereof in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

9-9.3 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties:

- (1) **To Hear and Decide Appeals, Generally.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Ordinance.
- (2) **To Grant Variances, Generally.** To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) These conditions do not generally apply to other property in the vicinity;
 - (c) Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend

physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

(3) **To Grant Special Exceptions, Generally.** To hear and authorize specific cases a special exception permit as authorized for those uses specifically identified in TABLE I, SCHEDULE OF PERMITTED AND CONDITIONAL USES, AND OFF-STREET PARKING REQUIREMENTS, BY DISTRICT as allowed by Special Exception (SP). The Board of Zoning Appeals shall issue the requested permit unless it concludes, based on information submitted at the hearing, that:

- (a) The requested permit is not within its jurisdiction according to TABLE I, SCHEDULE OF PERMITTED AND CONDITIONAL USES, AND OFF-STREET PARKING REQUIREMENTS, BY DISTRICT; or
 - a. The application is incomplete; or
 - b. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this ordinance; or
 - c. If completed as proposed in the application, the development;
 - a. Will materially endanger the public health or safety; or
 - b. Will materially injure the value of neighboring property; or
 - c. Will not be in compliance with the general plan for the physical development of the county, as embodied in this ordinance or other plans or policies officially adopted by the County Council.

(D) **To grant Special Exceptions, Specifically** the Board of Zoning Appeals:

- a. Shall attach to the permit such reasonable requirements in addition

to those specified in this ordinance as shall ensure that the development:

- a. Shall not endanger the public health or safety;
 - b. Shall not injure the value of adjacent or abutting property;
 - c. Shall be in harmony with the area in which it is located ;
 - d. Shall be in conformity with the plan for the physical development of the county, as embodied in this ordinance or other policies or plans officially adopted by the County Council.
-
- b. Not attach additional conditions or alter the specific requirements set forth in this ordinance unless the development presents extraordinary circumstances that justify the variation from the specified requirements.
 - c. May attach to a permit a condition limiting the permit to a specified duration.
 - d. Must enter all additional conditions or requirements on the permit.

9-9.4 Decisions of the Board of Zoning Appeals

In exercising the above powers, the concurring vote of a simple majority of all Board members appointed shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt may certify such fact to the Circuit Court having jurisdiction.

All final decisions and orders of the Board must be in writing and be

permanently filed in the office of the Board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

9-9.5 Special Exception Permit

- (1) The burden of submitting a completed application shall be upon the applicant. An application is complete when it contains all the information that is necessary for permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all requirements of this ordinance.
- (2) The burden of persuasion on the issue of whether the application should be turned for any of the reasons set forth in Section 9-9.3(3) rests on the party or parties urging that the requested permit be denied, unless the information presented by the applicant in his application and at the public hearing is sufficient to conclude that a reason exists for denying the application.
- (3) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this ordinance remains at all times on the applicant.
- (4) Special Exception Permits shall expire automatically if, within one (1) year after issuance of such permit, the use authorized by such permit has not materially commenced. Materially commenced shall occur when ten (10) percent of the total cost of all construction, erection, alteration, demolition, or similar work on any development authorized by such permit has been completed.
- (5) If, after some physical alteration to the land or structures begins to take place, such work is discontinued for a period of one (1) year, then the permit authorizing such work shall immediately expire.
- (6) The Board of Zoning Appeals may extend for a period of one (1) year the date when a permit would otherwise expire if it concludes that the permit recipient has proceed with due diligence and good faith, and conditions

have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to one (1) year upon the same findings. All such extensions shall be granted without resorting to the formal process required for a new permit.

- (7) The Special Exception Permit becomes fully executed when the permit is mailed or hand delivered to the permit applicant.
- (8) Minor design modifications or changes in the Special Exception Permit are permissible with the approval of the Board of Zoning Appeals. No public hearing is required for minor modifications. Minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public or those intended to occupy or use the proposed development.
- (9) All other requests for modifications or changes in the Special Exception Permit shall be processed as new applications.
- (10) No person (including successors or assigns of the person who obtained the permit) shall make use of the land or structures covered under the Special Exception Permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit
- (11) The terms and requirements of the Special Exception Permit apply to and restrict the use of land and structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued.
- (12) All conditions and requirements of a Special Exception Permit are enforceable in the same manner and to the same extent as any other applicable requirements of this ordinance, except that the Board of Zoning Appeals may upon hearing and determination of substantial violation may revoke the Special Exception Permit.

Section 9-10. Appeal From Board of Zoning Appeals to Circuit Court

A person who may have a substantial interest in any decision of the Board of Appeals or an officer or agent of the county may appeal from a decision of the Board to the Circuit Court in and for the county by filing with the Clerk of Court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the Board is mailed.

ARTICLE X

AMENDMENTS

Section 10-1. Authority

This Ordinance, including the official zoning map(s), may be amended from time to time by the County Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.

Section 10-2. Procedure

Requests to amend the Zoning Ordinance shall be processed in accordance with the following procedures:

- (1) **Initiation of amendments:** A proposed amendment to the Zoning Ordinance may be initiated by the Planning Commission, County Council or by application filed with the Planning Commission by the owner or owners of any property proposed to be changed; provided however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, by a property owner or owners more often than once every twelve (12) months.
- (2) **Application procedure:** Application forms for amendments shall be obtained from the office of the Building Official. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the Building Official. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendments must be received in proper form, at least two (2) weeks prior to a Planning Commission meeting in

order to be heard at that meeting.

- (3) **Review by the Planning Commission:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted by the Building Official to the Planning Commission.

The Planning Commission, at regular meetings, shall review and prepare a report, including its recommendation for transmittal to County Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest.

- (4) **Report of Planning Commission:** Following review of the proposed amendment, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendation to County Council for final action to be preceded by an advertised Public Hearing.

The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the public hearing unless the change or departure first be submitted to the Planning Commission for review and recommendation.

Section 10-3. Notice of Public Hearing

10-3.1 Public Notice

In scheduling a public hearing for a proposed zoning map and/or text amendment, notice of the time and place shall be published in a newspaper of general circulation in the county at least fifteen (15) days in advance of the scheduled public hearing. The County Council shall hold such hearing and act on the proposed amendment within sixty (60) days of receipt of the Planning Commission's recommendation on the application.

10-3.2 Posting of Property

In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date and place of the hearing.

Section 10-4. Action By County Council

The County Council shall take action on the proposed amendment within 60 days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the County Council within such time, the proposed amendment shall be considered denied, unless otherwise specified by Council.

Following final action by County Council, any necessary changes shall be made to the official zoning map and/or text. A written record of the type and date of such change shall be maintained by the Clerk of Council.

ARTICLE XI

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied". An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

The word "map" or "zoning map" shall mean the Official Zoning Map(s) of Fairfield County, South Carolina.

The term "Planning Commission" refers to the Planning Commission for Fairfield County. The term Council shall mean the legally elected governing body of Fairfield County. The term "Board of Zoning Appeals" refers to the Board of

Zoning Appeals for Fairfield County.

Access - A legal means of vehicular or pedestrian approach or entry to or exit from property.

Accessory Building - See **Building, Accessory**

Accessory Use - See **Use, Accessory**

Adult Day Care - A day care facility providing day care on a regular basis for more than two (2) hours per day for more than five (5) people.

Airport - An area of land or water that is designed or used on a recurring basis for the landing and takeoff of aircraft, except that an airstrip shall not be considered an airport.

Airport Protection District - An overlay zone established pursuant to Section 3-1 of this Ordinance. Its intent is to promote compatibility between aircraft operating in the vicinity of the Fairfield County Airport and surrounding properties by establishing regulations to temper and modify the development standards of the primary district to the extent necessary to allow for safe aircraft and airport operations.

Airstrip - An area of land or water, located on private property, which the owner of such land uses (or authorizes the use of) for the landing and takeoff of not more than two (2) aircraft owned or leased by the owner of such property or aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip and which airstrip, is not used in connection with flying lessons or the rental or sale of aircraft, parts, or fuel. Such airstrip is normally considered an accessory use of such property.

Animal Shelter, Domestic - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals and fowl of any kind,

are boarded or kept. No more than one pen, shelter, or structure in R-1 or R-2 Districts is allowed per residential dwelling unit.

APD - See Airport Protection District

Arterial - See Street, Major

Berm - Any hill or slope which represents a change of elevation of at least two feet at a slope of between twenty-five and fifty percent and which is covered with an appropriate stabilizing vegetation.

Bed and breakfast - A use that takes place in a building that was designed and used as a single family detached dwelling, that consists of a single dwelling unit together with the rental of one (1) or more dwelling rooms on a daily or weekly basis to tourists, vacationers, or similar transients, where the provision of meals, if provided, is limited to the breakfast meal for guests, and where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one (1), full time employee.

Board of Zoning Appeals - Fairfield County Board of Zoning Appeals.

Boarding House - A residential use that consists of at least one (1) dwelling unit together with more than two (2) rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively do not constitute separate dwelling units. A rooming house or a boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month to month tenants) as opposed to overnight or weekly guests.

Buffer yard - A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of high intensity land uses on neighboring lower intensity uses.

Buildable Area - That portion of any lot remaining after required yards and setbacks have been met.

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons or property.

Building, Accessory - A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building Permit - A permit issued by the Fairfield Planning, Building and Zoning Department and which complies with Fairfield Zoning Ordinance and the Fairfield Building Codes.

Certificate of Zoning Compliance - A permit issued by the Fairfield County Planning, Building and Zoning Department that authorizes the recipient to make use of the property in accordance with the requirements of this ordinance.

Certify - Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the County, the County may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the County may accept certification by telephone from some agency when the circumstances warrant it, or the County may require that the certification be in the form of a letter or other document.

Child Care Services - Child care services shall mean and include any home, center, agency or place, however styled, where children not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or night and upon any number of successive days or nights.

Child Day Care - A day care facility providing day care on a regular basis for more than two (2) hours per day for more than five (5) children.

Club, Private - An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

Cluster Subdivision - A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Community Center - A publicly sponsored, non profit indoor facility providing for one (1) or more of various types of cultural, social, or recreational uses intended to serve the surrounding community. Facilities may include but are not limited to gymnasiums, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses.

Compost means the humus-like product of the process of composting waste.

Composting Facility means any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material. It may not contain any hazardous or medical bio waste.

Comprehensive Plan - The Comprehensive Plan Update, 1997 for Fairfield County adopted by the Fairfield County Council April 15, 1997.

Conditional Use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Condominium - A unit in a multi-unit structure owned by an individual or other legal entity who has use of all common areas associated with that structure.

Conformity or Conformance - Any land, structure or use that is in fully meets 1) all of the regulations specified for the district in which it is located and 2) all of the general requirements of the Zoning Ordinance.

Convenience Store - A retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other

household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop and go traffic.

Council - Fairfield County Council

County - Fairfield County, South Carolina

Dedication - The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

Developed Lot - Any existing lot upon which development has taken place.

Developer - An individual, partnership or corporation (or agent therefor) that undertakes the activities covered by these regulations.

Development - That which is to be done pursuant to a Certificate of Zoning Compliance, Building Permit, Sign Permit, Temporary Use Permit, Exemption from subdivision requirements, Plat Approval or any other County, State, or Federal Permit that is required before any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Display Area - Any unenclosed area or lot used for the display of merchandise.

Driveway - A paved or unpaved area used for ingress and egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling - A building or portion of a building arranged or designed exclusively for

human habitation.

Dwelling, Apartment - (See dwelling, multi-family)

Dwelling, Attached - A dwelling unit attached to one or more other dwelling units by common vertical walls.

Dwelling, Detached - A single dwelling unit, other than a mobile home, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by four (4) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Manufactured Home - A factory built home built after the enactment of and bearing a label of compliance with the Federal Manufactured Home Construction and Safety Standards Act, effective June 15, 1976 (HUD Code).

Dwelling, Mobile Home - A factory built home built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act, effective June 15, 1976.

Dwelling, Multi-Family - A building containing five or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, Quadruplex - A building containing four dwelling units.

Dwelling, Single-family - A building containing one dwelling unit.

Dwelling, Townhouse - A series of attached dwelling units on separate lots which may or may not have a common roof and are separated from each other by common

vertical walls.

Dwelling, Triplex - A single building containing three dwelling units.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio house.

Easement - A right of way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Easement, Private - An easement dedicated to a specific private function: for example, private access to private property.

Easement, Public - An easement dedicated to a specific public function: for example a public highway or placement of public utility lines.

Factory-built Housing - A three dimensional, transportable, factory-built structure designed for long term residential use. Such housing includes manufactured, mobile and modular homes.

Family - One or more persons related by blood, marriage, adoption or guardianship, and not more than five (5) persons not so related, except that nine (9) mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws, including approval or licensing of the home in which they are located by a state agency for that purpose.

Family Day Care Home - A family day care home is one in which care is given by a family member and no others during the day only for one and not more than seven children, including the day care parents' own children.

Federal Manufactured Home Construction and Safety Standards - Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditioning, thermal and electrical systems.

Floor - The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. Term does not include floor of a garage used solely for parking vehicles.

Floor Area - The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building which is designed for parking of motor vehicles.

Floor Area Ratio - An intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

Garage, Private - (As defined by the Standard Building Code.)

Garage, Public - (As defined by the Standard Building Code.)

Gross Floor Area (GFA) - The total area of a building measured by taking and adding the outside dimensions of the building at each floor level intended for occupancy or storage.

Ground Cover - Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve inches in height.

Habitable Dwelling - A dwelling meeting the minimum habitability requirements of this Ordinance, and other applicable regulations.

Hazardous Waste - Any material defined in Section 44-56-20(6) of the South Carolina Hazardous Waste Management Act as set out in the Code of Laws of South

Carolina (1976, as amended) or in any regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to the provisions of the said South Carolina Hazardous Waste Management Act.

Hazardous Waste Facility - Any landfill, incinerator or other facility used to store, treat, or dispose of Hazardous Waste and also any facility used to inspect, wash, clean, park or store any trucks, trailers, railroad cars, other vehicles, or other containers used to transport, store or treat hazardous waste (except for minute quantities thereof to be tested or analyzed in laboratories). Public roads, tracks of railroad companies, garages, truck stops, and other businesses providing maintenance, fuel, or other services to common carriers in general shall not be deemed to be a Hazardous Waste Facility due to the fact they provide services to any such trucks, trailers, railroad cars, or to other vehicles or containers transporting Hazardous Waste if those same services are routinely provided to other common carriers carrying cargo other than Hazardous Waste.

Height - The vertical distance of a structure or vegetation measured from the average grade elevation within 20 feet of the structure to the highest point of the structure.

Highway - See **Street, Major**

Home Occupation - An occupation within a dwelling, and clearly incidental thereto, carried on by a member or members of the family residing on the premises.

Impervious Surface - Impervious surfaces are those that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Building Official to be impervious within the meaning of this definition also will be classed as impervious surfaces.

Impervious Surface Ratio - The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Inert Material - A material whose rate of decomposition by micro-organisms or

chemical oxidation is such that substantial environmental pollution does not usually result.

Inert Solid Waste Landfill - Any landfill, publicly or privately owned, that receives inert waste. Examples of inert material include, but are not limited to bricks, concrete and other masonry material; soil; rocks; lumber; paving material; tree and brush stumps, etc.

Infectious Waste - Infectious waste has the meaning given in Section 44-93-20 of the S. C. Infectious Waste Management Act.

Junk or Salvage - Any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. In R-1 and R-2 zoned areas, junk or salvage shall mean any materials consisting of waste, discarded or salvage matter consisting of a total of more than six (6) cubic feet in volume regardless of whether it is to be bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk or Salvage Yard - Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Depth - The horizontal distance between front and rear lot lines.

Lot, Double Frontage - A lot which has frontage on more than one street.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of Record - A lot, the boundaries of which are filed as legal record.

Manufactured Home - A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards (Federal Manufactured Home Construction And Safety Standards)pursuant to SC Code 40-29-70, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

Mini-warehouse - A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

Miscellaneous Repair - Minor repair services (see Standard Industrial Classification 76) excluding any automotive repair, repair to structures, electronic computer and computer peripheral equipment repair, clothing repair, and shoe repair. In a RD zoned district, the repair business may not exceed 3,000 square feet of gross floor area and no uncovered open storage or keeping of material not

associated with the principal use shall be permitted in public view.

Mobile Home - A structure manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards (Federal Manufactured Home Construction And Safety Standards)pursuant to SC Code 40-29-70, which is a movable or portable dwelling unit over thirty (30) feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or two or more connected components. The term does not include prefabricated, or modular dwelling on a permanent foundation, or travel trailer, camper, or similar recreational unit.

Mobile or Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of three (3) or more mobile or manufactured homes which may include services and facilities for the residents.

Mobile or Manufactured Home Park Space - A plot or ground within a mobile or manufactured home park designed for the accommodation of one unit.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any of the county's several zoning districts as long as the proposed use is allowed in that zoned district.

Nonconforming - A term applied to any lot of record, use, building, structure or vegetation which were lawful and in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Nonconformity - A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Non-residential Use - A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Office Trailer - See **Modular Building Unit or Modular Structure**

Open Space - Open space refers to an area that is not encumbered with any substantial structure; is not devoted to use as a roadway, parking area or sidewalk; is not part of any privately owned lot; and is legally and practicable accessible to the general public or to the residents of the development where the open space is located. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space unless the Planning Commission determines that the overall configuration of open space is acceptable as being conducive to the intent of requiring open space.

Open Space Ratio - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Park - A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Permitted Use - A use permitted outright by district regulations.

Planning Commission - Fairfield Planning Commission

PPD - See **Planned Development District** - A special purpose district established for specified use(s) only and with specified development standards in order to allow and encourage flexibility in the development of the land. The permitted uses, accessory uses, and development standards are determined in accordance with Section 3-2 of this Ordinance. A PPD is established by the same procedures as for amendments (Article X of this Ordinance) and in accordance with Section 3-2 of this Ordinance.

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR); also, a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan, a military service's approved military airport plan, or any other FAA planning document or military service's military airport planning document.

Principal Building - See **Building, Principal**

Principal Use - See **Use, Principal**

Property Owners - Those listed as owners of the property on the records of the Fairfield County Assessor's Office.

Recreational Vehicle - See **Travel Trailer**

Repair, Miscellaneous - See **Miscellaneous Repair**

Residential Care - An establishment primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self care, but where medical care is not a major element.

Residential Districts - The primary districts designated R-1 (Single Family Residential District) and R-2 (Inclusive Residential District) by this Ordinance.

Residential Zone - See **Residential Districts**

Resource recovery means the process of obtaining material or energy resources from solid waste which no longer has any useful life in its present form and preparing the waste for recycling.

Resource recovery facility means a combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat or prepare collected solid waste so that component materials or substances or recoverable resources may

be used as a raw material or energy source.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, shade trees , or for another special use. It is held by a public entity or public utility, and is governed by special regulations and dedicated to a specific public function.

Road - See **Street**

Rooming House - See **Boarding House**

Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Sanitary landfill means a land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards.

SCDHEC - South Carolina Department of Health and Environmental Control

Setback - The depth or width of any required yard; the minimum distance between a structure and an adjacent lot or street; the area required to be unobstructed except for fences complying with Section 8-6 of this ordinance, flagpoles, clothes lines, bird houses or other yard accessories. Setback from a street is measured from the right -of-way line of the street.

Sexually Oriented Businesses - For purposes of this Ordinance, sexually oriented businesses shall mean and include the following:

(1) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

(2) Adult Bookstore or Adult Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

(3) Adult Cabaret. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of nudity; or
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the description of "specified sexual activities" or "specified anatomical areas".

(4) Adult Motel. A hotel, motel or similar commercial establishment which:

- (a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
- (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(5) Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(6) Adult Theater. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

(7) Sexual Encounter Center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Abandoned - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Face - The area or display surface used for the message.

Sign, Free-Standing - Any nonmovable sign not affixed to a building.

Sign, Incidental - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign that is not permanently affixed to a building, structure or the ground.

Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall - A sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Single Family Residence - See Dwelling, Single-family

Solid Waste - Any non-hazardous garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NODES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina.

Solid Waste Storage - The containment of solid waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided however, that storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, if the solid waste in such containers is collected at least once a week, shall not constitute "storage" for purposes of this Act. The term does not apply to containers provided by or under the authority of the county for the collection and temporary storage of solid waste prior to disposal.

South Carolina Manufactured Housing Board - Is authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Special Exception Permit - A permit issued by the Board of Zoning Appeals that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the Board. A Special Exception Permit may be issued only for those uses specifically identified in TABLE I, SCHEDULE OF PERMITTED AND CONDITIONAL USES, AND OFF-STREET PARKING REQUIREMENTS, BY DISTRICT as allowed by Special Exception (SP).

Specified Anatomical Areas means the male genitals in a state of sexual arousal

and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.

Standard Industrial Classification - The classification of industrial, commercial, institutional, agricultural, construction, manufacturing, educational, utilities, services type activities as defined in the Standard Industrial Classification Manual, 1987 as put out by the Executive Office Of The President Office Of Management and Budget.

Street - Any thoroughfare (drive, avenue, boulevard) or space more than 18 feet in right-of-way width which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, Major - Includes all state primary and federal aid highways and streets that serve to circulate traffic on to, out or around the urban centers, having signals at important intersections and stop signs on side streets and/or one having controlled access and channelized intersections.

Street, Minor - A street designed principally to collect traffic from subdivisions and provide access to abutting property.

Street, Private - A street not dedicated for public use or maintenance.

Structure - (As defined by the Standard Building Code.)

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Transfer Station - A combination of structures, machinery or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another solid waste management facility.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

Use - The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory - An accessory use is a use that is commonly associated with the principal use of the property and where such accessory use is incidental or insubstantial in and of itself or in relation to the principal use.

Use, Principal - The primary purpose for which land is used.

Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Variance - A modification of the area regulations of this Ordinance, granted by the Board of Zoning Appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Vegetation - Any object of natural growth.

Visual Approach Surface Area - An area intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Waste Tire Site - An establishment, site or place of business, without a collector or processor permit, that is maintained, operated, used, or allowed to be used for the disposal, storing, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements:

1. All vehicles serviced are owned or leased by the owner or operator of the service facility;
2. No more than two hundred (200) waste tires are accumulated for a period of not more than thirty (30) days at a time;
3. The facility does not accept any tires from sources other than its own; and
4. All waste tires are stored under a covered structure.

Waste Tire Treatment Site - A permitted site used to produce or manufacture usable materials, including fuel from waste tires.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

Yard, Front - A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as

provided by this Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District - A specifically delineated area or district in the county within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

Zoning Ordinance - Fairfield County Zoning Ordinance

LEGAL STATUS PROVISIONS

Section 12-1. Conflict With Other Laws

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 12-2. Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 12-3. Repeal of Conflicting Ordinances

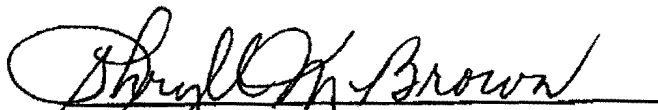
All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 12-4. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the County Council of Fairfield County.

ENACTED AND ORDAINED into an Ordinance this 13th day
of June, 2005, by FAIRFIELD COUNTY COUNCIL.


Chairman


Shryll Brown, Clerk to Council

